

# FEDERAL REGISTER

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### Announcement

### CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 900-959-----	\$1.50
Title 42 (Revised)-----	\$4.00

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (88 1.01-1.499) (\$1.75); Parts 1 (8 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 43 (\$1.00); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

##### Order Regulating Handling

##### Sec. 934.0 Findings and determinations.

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AUTHORITY: §§ 934.0 to 934.71 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

##### § 934.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 28-29, 1960, and continued at Wenatchee, Washington, on February 1, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh peaches grown in designated counties in the State of Washington. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of peaches grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of peaches grown in the production area; and

(5) All handling of peaches, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S.C. 1001-1011). As soon as practical after such effective time it will be necessary to establish the Washington Fresh Peach Marketing Committee, the agency charged with administration of the pro-

gram. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory nature, including the formulation and promulgation of rules and regulations to govern operations under the program. The shipment of peaches begins during the first half of July, and for all practical purposes the entire crop is shipped by mid-October. Hence, for the program to be of maximum benefit during the 1960-61 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of fresh peaches since the public hearing in connection with the order was completed February 1, 1960, and the recommended decision and the final decision were published in the FEDERAL REGISTER on March 29, 1960 (25 F.R. 2629), and April 20, 1960 (25 F.R. 3414), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of fresh peaches takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh peaches grown in designated counties in Washington, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the fresh peaches covered by this order) who, during the period beginning April 1, 1959, and ending March 31, 1960, both dates inclusive, handled not less than 50 percent of the volume of fresh peaches covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1959, through March 31, 1960) were engaged, within the production area specified in this order, in the production of fresh peaches for market; such producers having also produced for market at least two-thirds of the volume of fresh peaches represented in such referendum.

*It is, therefore, ordered, That, on and after the effective date hereof, the handling of peaches grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:*

## DEFINITIONS

## § 934.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

## § 934.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

## § 934.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

## § 934.4 Production area.

"Production area" means the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

## § 934.5 Peaches.

"Peaches" means all varieties of peaches, grown in the production area, classified botanically as *Prunus persica*.

## § 934.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of *Prunus persica*.

## § 934.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

## § 934.8 Committee.

"Committee" means the Washington Fresh Peach Marketing Committee established pursuant to § 934.20.

## § 934.9 Grade.

"Grade" means any one of the officially established grades of peaches as defined and set forth in:

(a) United States Standards for Peaches (§§ 51.1210-51.1223 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for peaches issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

## § 934.10 Size.

"Size" means the greatest diameter, measured through the center of the peach, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

## § 934.11 Grower.

"Grower" is synonymous with producer and means any person who produces peaches for market and who has a proprietary interest therein.

## § 934.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting peaches owned by another person) who handles peaches.

## § 934.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport peaches within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of peaches from the orchard where grown to a packing facility located within such area for preparation for market.

## § 934.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 934.31(m):

(a) "District 1" shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Ferry, Stevens, and Pend Oreille in the State of Washington.

(b) "District 2" shall include the Counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin in the State of Washington.

## § 934.15 Export.

"Export" means to ship peaches to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

## § 934.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of peaches in a particular type and size of container, or any combination thereof.

## § 934.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of peaches.

## ADMINISTRATIVE BODY

## § 934.20 Establishment and membership.

There is hereby established a Washington Fresh Peach Marketing Committee consisting of 12 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 8 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates

shall be producers of peaches in District 1, and four of the grower members and their respective alternates shall be producers of peaches in District 2. Two of the handler members and their respective alternates shall be handlers of peaches in District 1, and two of the handler members and their respective alternates shall be handlers of peaches in District 2.

## § 934.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided*, That the term of office of one-half the initial members and alternates from each district shall end March 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

## § 934.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary, no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 934.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces peaches. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either

as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles peaches, which vote shall be weighted by the volume of peaches handled by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either as a grower or as a handler but not as both.

#### § 934.23 Selection.

From the nominations made pursuant to § 934.22, or from other qualified persons, the Secretary shall select the 8 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

#### § 934.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 934.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 934.20.

#### § 934.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

#### § 934.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 934.22 and 934.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 934.20.

#### § 934.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such

member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

#### § 934.30 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

#### § 934.31 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to peaches;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, in-

sofar as practicable, shifts in peach production within the districts and the production area.

#### § 934.32 Procedure.

(a) Eight members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members: *Provided*, That whenever more than 10 members are present at an assembled meeting, such requirement shall be at least 8 members.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

#### § 934.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed \$10.00 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

#### § 934.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the peach industry; and (c) any recommendations for changes in the program.

#### EXPENSES AND ASSESSMENTS

#### § 934.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 934.41.

**§ 934.41 Assessments.**

(a) Each person who first handles peaches shall, with respect to the peaches so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of peaches handled by him as the first handler thereof during the applicable fiscal period and the total quantity of peaches so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all peaches handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

**§ 934.42 Accounting.**

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 934.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned

pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

**RESEARCH****§ 934.45 Marketing research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches. The expense of such projects shall be paid from funds collected pursuant to § 934.41.

**REGULATIONS****§ 934.50 Marketing policy.**

(a) Each season prior to making any recommendations pursuant to § 934.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

- (1) The estimated total production of peaches within the production area;
- (2) The expected general quality and size of peaches in the production area and in other areas;
- (3) The expected demand conditions for peaches in different market outlets;
- (4) The expected shipments of peaches produced in the production area and in areas outside the production area;
- (5) Supplies of competing commodities;
- (6) Trend and level of consumer income;
- (7) Other factors having a bearing on the marketing of peaches; and
- (8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for peaches, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

**§ 934.51 Recommendations for regulation.**

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of peaches in the manner provided in § 934.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for peaches during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

**§ 934.52 Issuance of regulations.**

(a) The Secretary shall regulate, in the manner specified in this section, the handling of peaches whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of peaches grown in any district or districts of the production area;

(2) Limit the shipment of peaches by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of peaches.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of peaches which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

**§ 934.53 Modification, suspension, or termination of regulations.**

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 934.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of peaches in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in



like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

#### § 934.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 934.41, 934.52, 934.53, and 934.55, and the regulations issued thereunder, handle peaches (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § 934.41, § 934.52, § 934.53, or § 934.55, the handling of peaches in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 934.45), as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent peaches handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle peaches pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the peaches will not be used for any purpose not authorized by this section.

#### § 934.55 Inspection and certification.

Whenever the handling of any variety of peaches is regulated pursuant to § 934.52 or § 934.53, each handler who handles peaches shall, prior thereto, cause such peaches to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for peaches which previously have been so inspected and certified only if such peaches have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such peaches. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the

required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect.

#### REPORTS

#### § 934.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of peaches received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such peaches, and (4) the destination of each shipment of such peaches.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the peaches received, and of peaches disposed of, by such handler as may be necessary to verify reports pursuant to this section.

#### MISCELLANEOUS PROVISIONS

#### § 934.61 Compliance.

Except as provided in this part, no person shall handle peaches the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle peaches except in conformity with the provisions and the regulations issued under this part.

#### § 934.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

#### § 934.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall

continue in force until terminated in one of the ways specified in § 934.64.

#### § 934.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of peaches for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of peaches produced for fresh market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

#### § 934.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

#### § 934.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regula-

tion issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

#### § 934.67 Duration of Immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

#### § 934.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

#### § 934.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

#### § 934.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

#### § 934.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 23d day of May 1960, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-4786; Filed, May 26, 1960;  
8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

#### PART 736—DISPOSITION OF PROPERTY

*Scope and purpose.* Part 736 is revised to conform with current regulations of the Department of the Navy and to bring its statutory citations and other references up to date.

1. Part 736 is revised to read as follows:

- Sec.
- 736.1 General.
- 736.2 Dispositions under contracts.
- 736.3 Sale of personal property.
- 736.4 Disposition of real property.
- 736.5 Disposition of real and personal property under special statutory authority.
- 736.6 Certification prior to disposition.
- 736.7 Approval by the Attorney General.

AUTHORITY: §§ 736.1 to 736.7 issued under secs. 5031, 6011, 70A Stat. 278, as amended; 10 U.S.C. 5031, 6011. Interpret or apply R.S. 3618, 3678, 3709, 38 Stat. 1084, 44 Stat. 605, 49 Stat. 885, 53 Stat. 811, 54 Stat. 396, 57 Stat. 380, 59 Stat. 260, sec. 27, 60 Stat. 856, sec. 5, 60 Stat. 998, sec. 4, 62 Stat. 286, secs. 7(c), 8(a-b), 62 Stat. 452, 63 Stat. 377, 64 Stat. 1109, 65 Stat. 645, 68 Stat. 832, sec. 501(c)(3), 68A Stat. 163, secs. 2481, 2541, 2542, 2571-2574, 2662, 2667, 6155, 6156, 6901, 7227, 7228, 7230, 7304-7308, 7541-7547, 7601-7604, 70A Stat. 141, sec. 5003, 72 Stat. 1252, 72 Stat. 1793, sec. 616, 73 Stat. 381, as amended; 31 U.S.C. 487, 628, 41 U.S.C. 5, 31 U.S.C. 686, 686a, 40 U.S.C. 304a, 50 U.S.C. 98-98h, 22 U.S.C. 521, 44 U.S.C. 366-380, 42 U.S.C. 1572, 24 U.S.C. 37, 20 U.S.C. 77d, 15 U.S.C. 328, 49 U.S.C. 1156(c), 1157(a-b), 40 U.S.C. 471 et seq., 42 U.S.C. 1855-1855g, 22 U.S.C. 1611-1613c, 1750 et seq., 26 U.S.C. 501(c)(3), 10 U.S.C. 2481, 2541, 2542, 2571-2574, 2662, 2667, 6155, 6156, 6901, 7227, 7228, 7230, 7304-7308, 7541-7547, 7601-7604, 38 U.S.C. 5003, 42 U.S.C. 1891-1893, 40 U.S.C. 483a. E.O. 10743, 3 CFR, 1957 Supp., p. 99.

#### § 736.1 General.

Real and personal property under the jurisdiction of the Department of the Navy, exclusive of battleships, aircraft carriers, cruisers, destroyers and submarines (referred to as warships in this part) and certain public domain lands and mineral interests, may be disposed of under the authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471), in this part referred to as the Federal Property Act. The Federal Property Act places the responsibility for the disposition of excess and surplus property located in the United States, Puerto Rico, and the Virgin Islands with the Administrator of General Services, and for disposition of such property located in foreign areas, with the head of each executive agency. The Act of August 10, 1956 (70A Stat. 451; 10 U.S.C. 7304, 7305, 7307) and Executive Order 10743 of December 10, 1957 (3 CFR, 1957 Supp.) provide authority for the disposal of warships as well as other vessels stricken from the Naval Vessel Register. The U.S. Maritime Commission, however, is authorized to dispose of surplus vessels, other than warships, of 1500 gross tons or more which the Commission determines to be merchant vessels or capable of conversion to merchant use (40 U.S.C. 484 (1)). Accordingly, in disposing of its property, the Department of the Navy is subject to applicable regulations of the Administrator of General Services and the Secretary of Defense and, in regard to potential merchant vessels other than warships, to determinations of the U.S. Maritime Commission. In general, property of the Department of the Navy, which becomes excess to its needs, may

not be disposed of to the general public until it has been determined to be surplus after screening such property with the other military departments of the Department of Defense and all other agencies of the Government, and after it has been offered for donation to the educational institutions.

(a) Within the limitations indicated in the introductory paragraph of this section, the Department of the Navy is authorized to sell its surplus personal property under the authority of the Federal Property Act and the Act of August 10, 1956 (70A Stat. 451; 10 U.S.C. 7305), and to report its real property, when excess to the needs of the Department of Defense, to the General Services Administration for ultimate disposition by that agency or the Department of the Navy. The Department of the Navy is also authorized to transfer real and personal property to other departments or agencies of the Government, and to sell, transfer and otherwise dispose of certain vessels and other personal property under special statutory authority. Ships other than warships are sold pursuant to the Federal Property Act (40 U.S.C. 484(i) by the U.S. Maritime Commission if over 1500 gross tons and determined by the Maritime Commission to be merchant vessels or capable of conversion to merchant use. In certain cases, Navy vessels and other property may be transferred or otherwise made available to other agencies without reimbursement (sec. 616, 73 Stat. 381; 40 U.S.C. 483a).

(b) This part sets forth the general procedures and authority with respect to the disposition of property under the control of the Department of the Navy except disposition of property to foreign governments under the authority of such statutes as the Aid to American Republics Act (54 Stat. 396; 22 U.S.C. 521) and the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611-1613c).

(c) The Navy Property Redistribution and Disposal Regulations and directives issued by the Department of the Navy cover the disposition of all property of the Department, including disposition under the Federal Property Act. The Bureau of Supplies and Accounts Manual and the Marine Corps Manual contain information and operating instructions for the guidance of field personnel in disposing of personal property at Navy and Marine Corps installations, respectively. The Material Inspection Service Administration Manual contains similar information applicable to the disposition of contractor inventory. These publications are available for inspection at the Office of Naval Material, Washington 25, D.C.; at the offices of the Commandants of the several Naval Districts and River Commands; at the several Navy and Marine Corps installations; or at offices of the Supervising Inspectors of Naval Material.

#### § 736.2 Dispositions under contracts.

(a) Contractor inventory (that is, personal property acquired by a contractor under terms vesting title in the Government but in excess of the amount



required for performance of a contract) may be sold to the contractor or otherwise disposed of in accordance with the terms and conditions set forth in the contract and applicable Navy instructions. See also Parts 8 and 13 and §§ 30.2 and 30.3 of this title.

(b) Industrial and plant equipment provided by the Government to a contractor for the performance of a contract may, subject to applicable statutory authority and Navy instructions be disposed of in accordance with the applicable contract terms and conditions.

(c) Transfer to nonprofit education or research institutions of title to equipment purchased with funds available for grants or contracts for the conduct of basic or applied research is authorized by the act of September 6, 1958 (sec. 2, 72 Stat. 1793; 42 U.S.C. 1892) and implementing regulations (§§ 13.800 to 13.803 of this title).

### § 736.3 Sale of personal property.

(a) The sale of personal property determined to be surplus is authorized by the Federal Property Act and regulations of the Administrator of General Services (see § 736.1(a)). Certain vessels stricken from the Naval Vessel Register may be sold under the act of August 10, 1956 (70A Stat. 451, 10 U.S.C. 7305). Sales generally will be under competitive bid procedures but, in exceptional circumstances, negotiated and other special-type sales are authorized. The following are authorized selling Activities for Navy and Marine Corps Activity Property:

#### AUTHORIZED SELLING ACTIVITIES FOR NAVY AND MARINE CORPS ACTIVITY PROPERTY

##### (Continental United States)

##### Shipyards

Boston Naval Shipyard, Boston, Mass.  
New York Naval Shipyard, Brooklyn, N.Y.<sup>1</sup>  
Charleston Naval Shipyard, Charleston, S.C.  
Long Beach Naval Shipyard, Long Beach, Calif.  
Philadelphia Naval Shipyard, Philadelphia, Pa.  
Portsmouth Naval Shipyard, Portsmouth, N.H.  
Puget Sound Naval Shipyard, Bremerton, Wash.

##### Supply Depots and Centers

Naval Supply Center, Bayonne, N.J.  
Naval Supply Depot, Clearfield, Utah.<sup>2</sup>  
Naval Supply Depot, Great Lakes, Ill.  
Naval Supply Depot, Mechanicsburg, Pa.  
Naval Supply Depot, Newport, R.I.  
Naval Supply Center, Norfolk, Va.<sup>2</sup>  
Naval Supply Center, Oakland, Calif.<sup>2</sup>  
Naval Supply Center, San Diego, Calif.  
Naval Supply Depot, Seattle, Wash.<sup>2</sup>

##### Air Stations

Marine Corps Air Station, Cherry Point, N.C.<sup>2</sup>  
Naval Air Station, Corpus Christi, Tex.<sup>2</sup>  
Naval Air Station, Dallas, Tex.  
Naval Air Station, Jacksonville, Fla.<sup>2</sup>  
Naval Air Station, Memphis, Tenn.  
Naval Air Station, Olathe, Kans.  
Naval Air Station, Pensacola, Fla.<sup>2</sup>  
Naval Air Station, Quonset Point, R.I.<sup>2</sup>

<sup>1</sup> Only activity authorized to conduct sales of vessels other than small landing craft and small boats.

Naval Air Station, North Island, San Diego, Calif.<sup>2</sup>

Marine Corps Air Station, El Toro, Santa Ana, Calif.

##### Naval Ammunition Depots

Naval Ammunition Depot, Crane, Ind.  
Naval Ammunition Depot, Hastings, Nebr.  
Naval Ammunition Depot, McAlester, Okla.

##### Marine Corps Activities

Marine Corps Supply Center, Albany, Ga.  
Marine Corps Supply Center, Barstow, Calif.  
Marine Corps Base, Camp Lejeune, N.C.  
Base Material Battalion, First Force Service Regiment, FMF, Camp Pendleton, Ocean-side, Calif.  
Marine Corps Recruit Depot, Parris Island, S.C.  
Marine Corps Schools, Quantico, Va.

##### Naval Stations

Naval Station, Key West, Fla.  
Naval Station, Kodiak, Alaska.  
Naval Station, New Orleans, La.

##### Other Activities

Naval Academy, Annapolis, Md.  
Columbus River Group, Pacific Reserve Fleet, Tongue Point, Astoria, Oreg.  
Construction Battalion Center, Davisville, R.I.  
Naval Submarine Base, New London, Conn.  
Texas Group, Atlantic Reserve Fleet, Orange, Texas.  
Construction Battalion Center, Port Huemene, Calif.  
Naval Weapons Plant, Washington, D.C.  
Naval Ordnance Plant, York, Pa. (Production Scrap only.)

##### (Outside Continental United States)

##### Atlantic and Mediterranean Area

Naval Station, Argentia, Newfoundland.  
Naval Station, Bermuda.  
Naval Supply Depot, Guantanamo Bay, Cuba.  
Naval Air Station, Port Lyautey, Morocco.  
U.S. Naval Support Activity, Naples, Italy.  
Naval Station, Balboa, Rodman, C.Z.  
Naval Station, Rota, Spain.  
Naval Station, San Juan, Puerto Rico.

##### Pacific and Far East Area

Naval Supply Depot, Guam, Marianas Islands.  
Naval Supply Center, Pearl Harbor, Hawaii.  
Naval Station, Sangley Point, Luzon, Republic of the Philippines.  
Naval Supply Depot, Subic Bay, Luzon, Republic of the Philippines.  
Naval Supply Depot, Yokosuka, Japan.

The following are authorized to sell contractor inventory, located in private contractor plants, which has been determined to be surplus and which is not retained or disposed of by the contractor concerned:

Chief of Naval Research, Navy Department, Washington, D.C.

Inspectors of Naval Material at—

##### Office and Area

Atlanta, 50 Seventh Street NE., Atlanta, Ga.; 6th Naval District.  
Boston, 495 Summer Street, Boston, Mass.; 1st Naval District; also the State of Connecticut.  
Chicago, 536 South Clark Street, Chicago, Ill.; 9th Naval District.

<sup>2</sup> Only activities authorized to conduct sales of complete aircraft.

Cleveland, Ferguson Building, 1783 East 11th Street, Cleveland 14, Ohio; the States of Ohio, Kentucky, and West Virginia.

Dallas, 714 Jackson Street, Dallas, Tex.; 8th Naval District.

Los Angeles, 929 South Broadway Street, Los Angeles 15, Calif.; 11th Naval District.

Newark, 1130 Route 22, Mountainside, N.J.; That part of New Jersey in the 3d Naval District, and Staten Island, N.Y.

New York, 207 West 24th Street, New York, N.Y.; State of New York except Staten Island.

Philadelphia, 17 Brief Avenue, Upper Darby, Pa.; 4th and 5th Naval Districts except for the States of Ohio, Kentucky, and West Virginia.

San Francisco, Bldg. 178, Treasure Island, San Francisco 30, Calif.; 12th and 13th Naval Districts.

Officer in Charge of Construction, Bu-Docks Contracts, Madrid, Spain, is also authorized to sell surplus contractor inventory.

(b) Sales by the activities listed in paragraph (a) of this section are by competitive sealed bid, by sales letter or by auction. A deposit, generally 20 percent of the amount bid, is required of each bidder. Each selling activity maintains individual bidders' lists for purposes of soliciting invitations to bid. In addition to selling property at its own location, each of the above listed activities also sells property located at non-selling activities in the general vicinity of the selling activity.

(c) In foreign areas, property is sold as indicated in paragraphs (a) and (b) of this section; but such sales must conform to the foreign policy of the United States and also have no adverse effect on the economic conditions of the country in which the property is located. In addition, property in foreign areas is sold with the stipulation that it cannot be imported into the United States unless the Secretary of Agriculture (in the case of agricultural commodities, food or cotton or woolen goods), or the Secretary of Commerce (in the case of any other property) has determined that the importation of such property would relieve domestic purchases or otherwise be beneficial to the economy of the United States. The Chief of the Bureau of Supplies and Accounts may authorize the disposal of foreign excess property without competitive bids where such negotiated sale is most practicable and most advantageous to the Government because of the nature of the property, its location, and the potential market, or for other reasons.

### § 736.4 Disposition of real property.

In general, real property determined to be excess to the needs of the Department of Defense is reported to the General Services Administration for disposition under the Federal Property Act. In the case of real property outside the United States, Puerto Rico and the Virgin Islands; real property worth less than \$1,000 in the United States, Puerto Rico and the Virgin Islands; certain leaseholds and improvements on Government-owned lands and in other special cases, surplus real property not available for donation under the Federal Property Act is disposed of by the Bureau of Yards

and Docks or the Public Works Officers of the Naval or area commands. Sales are generally by competitive bid, but may be negotiated in special cases. Under certain circumstances, the Federal Property Act authorizes allocation of surplus real property for transfer by the General Services Administration to appropriate State agencies for distribution to educational activities which are of special interest to the Armed Services, such as maritime academies or military, naval, Air Force or Coast Guard preparatory schools.

**§ 736.5 Disposition of real and personal property under special statutory authority.**

In addition to the authority to sell personal property to the general public and to transfer real property to the General Services Administration under the provisions of §§ 736.3 and 736.4, the Department of the Navy has further authority to dispose of personal and real property as described in paragraphs (a) through (h) of this section.

(a) *Disposition to other Government agencies.* The Department of the Navy is authorized to transfer real and personal property to other governmental departments or agencies under statutes applicable to particular agencies, the act of March 4, 1915 (38 Stat. 1084) as amended (31 U.S.C. 686) and, as to certain personal property, under directives of the General Services Administration.

(b) *Leases.* Real and personal property under the control of the Department of the Navy not excess to its needs and not for the time being required for public use may be leased, when the Secretary of the Navy shall deem it to be advantageous to the Government, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Such leases shall be for a period of not exceeding five years unless the Secretary determines that a longer period will promote the national defense or will be in the public interest. Such leases are authorized by the act of August 10, 1956 (70A Stat. 150; 10 U.S.C. 2667). Leases of Government-owned real property where the estimated annual rental is in excess of \$25,000 must be cleared with the Armed Services Committees of Congress in accordance with the act of August 10, 1956 (70A Stat. 147; 10 U.S.C. 2662).

(c) *Disposition of strategic materials.* Strategic materials may be disposed of by the Department of the Navy under the authority described in § 736.3 only when such property is excess to the needs of the Department of Defense and when the Director of the Office of Civil and Defense Mobilization (acting through the Defense Materials Service of the General Services Administration) determines that the amounts of such materials to be disposed of are so small as to make transfer thereof under the act of June 7, 1939 (53 Stat. 811) as amended (50 U.S.C. 98-98h) economically impractical, or such materials are not necessary for stockpile requirements determined in accordance with section 2 of said act.

(d) *Disposition of vessels.* Vessels stricken from the Naval Vessel Register may be sold by the Department of the Navy under the authority and subject to the limitations of the Federal Property Act (section 203(i), 63 Stat. 386, 40 U.S.C. 484(i)) and the act of August 10, 1956 (70A Stat. 451; 10 U.S.C. 7304, 7305, 7307) and Executive Order 10743 (3 CFR, 1957 Supp.). However, pursuant to section 203(i) of the Federal Property Act (40 U.S.C. 484(i)), the U.S. Maritime Commission disposes of vessels, other than warships, if over 1500 gross tons and determined by the Maritime Commission to be merchant vessels or capable of conversion to merchant use. Vessels may be sold for scrapping or for use under such authority or, if such sale is not feasible, the Bureau of Ships may arrange for the demolition of a vessel and sale of the resulting materials by an authorized selling activity as set forth in § 736.3.

(e) *Exchange or sale of property for replacement purposes.* Under the authority of section 201(c) of the Federal Property Act (40 U.S.C. 481(c)) and regulations of the General Services Administration, the Department of the Navy is authorized in the procurement of new equipment, to exchange or sell similar items which are not excess to its needs, and apply the exchange allowance or proceeds of sale in whole or part payment for the items procured. Under such authority, sales of advance base construction automotive and service equipment and of machine tools may be made separately and the proceeds applied to the purchase of new items.

(f) *Donations and loans of personal property.* (1) Certain personal property of the Department of the Navy, including vessels, which become surplus, may be donated or loaned under the authority contained in the Federal Property Act and the act of August 10, 1956 (70A Stat. 453; 10 U.S.C. 2572, 7308, 7545) to:

(i) Schools of special interest to the Armed Services listed in this subdivision which have been designated as service educational activities by the Secretary of Defense:

Admiral Farragut Academy, St. Petersburg, Fla.

Admiral Farragut Academy, Pine Beach, N.J.

Allen Military Academy, Bryan, Tex.

Army and Navy Academy, Carlsbad, Calif.

Augusta Military Academy, Fort Defiance, Va.

Black-Foxe Military Institute, Los Angeles, Calif.

Bordentown Military Institute, Bordentown, N.J.

Boy Scouts of America, National Council, New Brunswick, N.J.

Boys' Clubs of America, National Headquarters, 381 Fourth Avenue, New York, N.Y.

Brown Military Academy, Glendora, Calif.

California Maritime Academy, Vallejo, Calif.

Camp Fire Girls, Incorporated, 16 East 48th Street, New York, N.Y.

Carlisle Military School, Bamberg, S.C.

Carson Long Institute, New Bloomfield, Pa.

Castle Heights Military Academy, Lebanon, Tenn.

Civil Air Patrol, National Headquarters, Ellington Air Force Base, Houston, Tex.

Columbia Military Academy, Columbia, Tenn.

Culver Military Academy, Culver, Ind.

Fishburne Military School, Waynesboro, Va.

Florida Military Academy, Inc., Fort Lauderdale, Fla.

Florida Military School, Deland, Fla.

Fork Union Military Academy, Fork Union, Va.

Georgia Military Academy, College Park, Ga.

Georgia Military College, Milledgeville, Ga.

Girl Scouts of America, National Headquarters, 830 Third Avenue, New York, N.Y.

Gordon Military College, Barnesville, Ga.

Greenbrier Military School, Lewisburg, W. Va.

Howe Military School, Howe, Ind.

Kamehameha School for Boys, Honolulu, Hawaii.

Kemper Military School, Boonville, Mo.

Kentucky Military Institute, Lyndon, Ky.

LaSalle Institute, Troy, N.Y.

LaSalle Military Academy, Oakdale, Long Island, N.Y.

Maine Maritime Academy, Castine, Maine.

Marion Institute, Marion, Ala.

Marist College, Atlanta, Ga.

Marmion Military Academy, Aurora, Ill.

Maryknoll High School, Honolulu, Hawaii.

Massanutten Military Academy, Woodstock, Va.

Miami Military Academy, Miami, Fla.

Millersburg Military Institute, Millersburg, Ky.

Missouri Military Academy, Mexico, Mo.

New Mexico Military Institute, Roswell, N. Mex.

New York Military Academy, Cornwall-on-Hudson, N.Y.

New York State Maritime College, Fort Schuyler, Bronx, N.Y.

North Central High School, Indianapolis, Ind.

Oak Ridge Military Institute, Oak Ridge, N.C.

Oklahoma Military Academy, Claremore, Okla.

Peekskill Military Academy, Peekskill, N.Y.

Porter Military Academy, Charleston, S.C.

Riverside Military Academy, Gainesville, Ga.

St. Emma Military Academy, Rock Castle, Va.

St. John's College, Washington, D.C.

St. John's Military Academy, Delafield, Wis.

St. Joseph's Military Academy, Hays, Kans.

St. Thomas Military Academy, St. Paul, Minn.

Sewanee Military Academy, Sewanee, Tenn.

Shattuck School, Fairbault, Minn.

Tabor Academy, Marion, Mass.

Tennessee Military Institute, Sweetwater, Tenn.

Texas Military Institute, San Antonio, Tex.

The Bolles School, Jacksonville, Fla.

The Manlius School, Manlius, N.Y.

Valley Forge Military Academy, Wayne, Pa.

Wentworth Military Academy, Lexington, Mo.

Western Military Academy, Alton, Ill.

Ysleta Public Schools, Ysleta, Tex.

(ii) Accredited schools, colleges and universities and educational institutions which have been exempted from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 and State Departments of Education for use by tax exempt educational institutions. Applications for donation shall be approved by the Department of Health, Education and Welfare and the Administrator of General Services and may be filed with the field representative of the Department of Health, Education and Welfare located nearest the applicant.

(iii) States, Territories, Commonwealths, or possessions of the United

States and political subdivisions, municipal corporations, veterans associations, soldiers' monument associations, State museums, and non-profit educational museums, subject in certain cases to the approval of the Curator for the Navy and to objection by a concurrent resolution of the Congress.

(2) Applications other than those to be filed with the field representative of the Department of Health, Education and Welfare shall be filed with the Department of the Navy and referred to the cognizant Bureau or Headquarters for action except that applications for vessels and district craft shall be referred to the Chief of Naval Operations, applications for boats to the Bureau of Ships, and applications for barges, floating dry-docks, and other floating construction equipment to the Bureau of Yards and Docks. Detailed instructions with respect to such applications are set forth in Navy Property Redistribution and Disposal Regulation No. 1.

(g) *Disposition of equipment for research.* Under the act of September 6, 1958 (72 Stat. 1793; 42 U.S.C. 1891-1893), equipment purchased with research grant or contract funds may be transferred for the conduct of basic or applied scientific research to (1) non-profit institutions of higher education or (2) non-profit organizations whose primary purpose is the conduct of scientific research. An annual report of such transfers must be made to the appropriate Committees of Congress.

(h) *Assistance in major disaster relief.* Under the act of September 30, 1950, as amended (42 U.S.C. 1855-1855g) and subject to directions of the Director of the Office of Civil and Defense Mobilization, certain excess personal property may be utilized for or donated to States and local governments for relief of suffering and damage resulting from major disasters. Surplus property may also be disposed of to States for sale to small business concerns affected by specific disasters such as hurricanes.

#### § 736.6 Certification prior to disposition.

The transfer, sale, or other disposition of a battleship, aircraft carrier, cruiser, destroyer, or submarine shall not be made unless and until the Chief of Naval Operations, in accordance with the act of August 10, 1956 (70A Stat. 452; 10 U.S.C. 7307), has certified that such material is not essential to the defense of the United States.

#### § 736.7 Approval by the Attorney General.

Prior to the disposition, either competitively or by negotiation, to private interests of a plant or plants, or other property, which cost the Government \$1,000,000 or more if real property, or \$3,000,000 or more if personal property (other than a patent, process, technique or invention), or of patents, processes, techniques or inventions, irrespective of cost, the Department of the Navy must notify the Attorney General of the proposed disposal and the probable terms and conditions thereof. Within a reasonable time, in no event to exceed sixty days after receiving such notification,

the Attorney General will advise the Department of the Navy whether, insofar as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. In such cases, the Department of the Navy must obtain from the proposed purchaser information regarding its financial status, the anticipated use to be made of the property and any other information as may be required by the Attorney General; the award or final sale must be delayed until the Attorney General advises of his determination.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,  
Rear Admiral, U.S. Navy,  
Judge Advocate General of the Navy.

MAY 23, 1960.

[F.R. Doc. 60-4797; Filed, May 26, 1960; 8:48 a.m.]

### PART 741—COST INSPECTION UNDER CONTRACTS

#### Cancellation of Part

*Scope and purpose.* The material contained in Part 741 is obsolete and need no longer be retained in the Code of Federal Regulations. See, for example, applicable provisions set forth in Chapter I of Title 32 (Part 15, 24 F.R. 10644).

Part 741 is canceled.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,  
Rear Admiral, U.S. Navy,  
Judge Advocate General of the Navy.

MAY 24, 1960.

[F.R. Doc. 60-4796; Filed, May 26, 1960; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-304]

### PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

#### Temporary Extension of Exemptions for All Air Taxi Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1960.

Under presently effective provisions the exemptions provided by Part 298 of the Board's Economic Regulations will expire on June 1, 1960. On April 12, 1960, the Board issued a Notice of Proposed Rule Making (25 F.R. 3339) which proposed a five-year extension of the exemptions now afforded air taxi operators, Docket 11285.

Some of the comments which have been received by the Board on this proposal raise problems to which the Board

wishes to give additional consideration. The Board contemplates the issuance of a Supplemental Notice of Rule Making in which comments from interested persons on certain proposed changes in Part 298 would be invited. However, the limited time before expiration of the present operating authority of the air taxi operators makes it impossible to complete such proceedings without providing for an interim extension of such authority.

The Board believes therefore, that pending further consideration the present exemption authority in Part 298 should be extended in its present form. For this reason the Board is extending such exemptions until November 30, 1960, or the termination of this rule making proceeding, whichever shall first occur. The Board finds that the grounds and findings on which the exemption has heretofore been granted support the present extension thereof.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter submitted. Since this extension of the exemptions contained in Part 298 is a rule relieving restriction, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR, Part 298, as amended), as follows, effective May 25, 1960.

By amending the second proviso of § 298.4 to read as follows:

#### § 298.4 Duration of exemption.

\* \* \* And provided further, That unless otherwise ordered by the Board, the temporary exemption granted by § 298.3 shall terminate on November 30, 1960, or upon termination of the rule making proceeding, Docket 11285, which was commenced on April 12, 1960, whichever shall first occur.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416, 72 Stat. 771; 49 U.S.C. 1386)

Effective: May 25, 1960.

Adopted: May 25, 1960.

By the Civil Aeronautics Board:

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 60-4838; Filed, May 26, 1960; 8:49 a.m.]

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 381; Amdt. 163]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Lockheed 188 Aircraft

Investigation of recent failures of the aileron balance weight attaching angles on Lockheed 188 Series aircraft shows that cracks in the affected area can lead to failure of balance weight brackets with loss of the balance weights. This type of failure seriously affects the safety of the aircraft. Accordingly, repetitive inspections are necessary

pending development and installation of a reinforcement of the affected parts.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on May 6, 1960, and made effective immediately as to all known operators of Lockheed Model 188 Series aircraft by individual telegrams dated May 6, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507), and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

**LOCKHEED.** Applies to all 188 Series aircraft. Compliance required as indicated.

Due to cracked alleron counter weight attaching angles the following inspections are required pending the development and installation of a Federal Aviation Agency approved reinforcement of the affected parts. Unless inspected as outlined below within the last 300 hours' time in service the inspection is required prior to dispatch from a terminal where inspection facilities are available. Repetitive inspections must be conducted at periodic intervals not to exceed 300 hours' time in service. Inspect the angles which attach the alleron balance weight brackets to the alleron spar at alleron stations 13.85, 30.95, 48.01, 82.16, 116.31, 150.46, and 184.61. Cracked parts must be replaced before next flight.

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated May 6, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 20, 1960.

JAMES T. PYLE,  
*Acting Administrator.*

[F.R. Doc. 60-4771; Filed, May 26, 1960; 8:45 a.m.]

[Reg. Docket No. 407; Amdt. 162]

## PART 507—AIRWORTHINESS DIRECTIVES

### Lycoming Engines

As a result of failures in flight of GO-480-C, -G, and GSO-480 Series Lycoming engines having cast counterweights installed, it has been determined that installation of forged counterweights will remedy the problem. Since safety is affected by this type of failure, it is necessary that the modification be accomplished at the first engine overhaul after July 1, 1960.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby

amended by adding the following new airworthiness directive:

**LYCOMING.** Applies to GO-480-C, -G, and all GSO-480 Series engines.

Compliance required at first engine overhaul after July 1, 1960.

To prevent excessive crankshaft counterweight bushing wear and subsequent detuning of the counterweights, crankshafts with cast counterweights must be modified to incorporate forged counterweights with hardened steel counterweight bushings.

(Lycoming Service Bulletin No. 249A covers this same subject.)

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 20, 1960.

JAMES T. PYLE,  
*Acting Administrator.*

[F.R. Doc. 60-4772; Filed, May 26, 1960; 8:45 a.m.]

## SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-28]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

#### Revocation of Control Zone and Modification of Control Area Extension

On November 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9168) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator which would revoke the Goodland, Kans., control zone and control area extension.

As stated in the notice, the Goodland control zone is presently designated within a 5-mile radius of the Goodland Municipal Airport and within 2 miles either side of the Goodland VOR 022° radial from the VOR to a point 10 miles north and the control area extension is designated to include the airspace within 5 miles either side of the Goodland VOR 022° and 202° radials from the VOR to points 20 miles north and 25 miles south. The Federal Aviation Agency airport operations records show that there were no instrument approaches conducted to the Goodland Airport in 1958. Based upon these records, the retention of the control zone is unjustified as an assignment of airspace, and the revocation thereof is in the public interest. The notice also proposed to revoke the control area extension. However, as the instrument approach procedure is still effective, the control area extension is being modified to retain the airspace within 5 miles either side of the 022° True radial of the Goodland VOR, from the VOR to a point 12

miles north. This will permit the procedure turn of the instrument approach to be completed within control area. The control area extension to the south is being revoked as the missed approach procedure is a right turn to the 281° True radial seven-tenths of a mile after passing the VOR and there is no prescribed instrument approach from the south. This action will result in the revocation of the Goodland control zone and the modification of the control area extension to include the airspace within 5 miles either side of the 022° True radial of the Goodland VOR from the VOR to a point 12 miles north.

Two comments were received concerning the notice. The governing body of the City of Goodland drafted a resolution objecting to the cancellation of the instrument approach procedures at Goodland. As the notice made no reference to the cancellation of the instrument approach procedure, the resolution is considered as not being pertinent to the proposal. Mr. Earnest Bressler, of Bird City, Kans., a private pilot, objected to the discontinuance of the control zone, the instrument approach procedure, and the "IFR approach facility". Again, as the notice made no reference to the discontinuance of the instrument approach procedure and the "IFR approach facility", these objections are considered as not being pertinent to the proposal. With reference to Mr. Bressler's objection to the revocation of the control zone, it is being revoked for the reasons stated above, and, moreover, the control zone is not required for the protection of an instrument approach as the aircraft does not go below 1,000 feet above the terrain during the approach.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (24 F.R. 10530) and § 601.1109 (24 F.R. 10552) are amended as follows:

1. Section 601.2214 *Goodland, Kans., control zone* is revoked.

2. Section 601.1109 is amended to read:

§ 601.1109 *Control area extension (Goodland, Kans.).*

From the Goodland, Kans., VOR extending 5 miles either side of the 022° T radial of the VOR to a point 12 miles north.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 20, 1960.

D. D. THOMAS,  
*Director, Bureau of  
Air Traffic Management.*

[F.R. Doc. 60-4773; Filed, May 26, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-88]

**PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS****Redesignation of Reporting Point**

The purpose of this amendment to § 601.7001 of the regulations of the Administrator is to redesignate the Fontana, Calif., domestic VOR reporting point.

The Fontana Intersection is presently described as the intersection of the Palmdale, Calif., VOR 137° True and the Ontario, Calif., VOR 047° True radials. Recent flight checks of the intersection have disclosed that the radial from the Palmdale VOR is unusable at the minimum en route altitude on VOR Federal airway No. 8. Therefore, the Federal Aviation Agency is redesignating the Fontana Intersection by substituting the March, Calif., VOR 339° True radial for the Palmdale VOR 137° True radial. This action will result in the Fontana Intersection being described as the intersection of the March VOR 339° True and the Ontario 047° True radials. However, it will not change the geographical location of the intersection.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will be come effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.7001 (24 F.R. 10606) is amended as follows:

In the text of § 601.7001 *Domestic VOR reporting points*, Fontana Intersection is amended to read: "Fontana INT: The INT of the March AFB, Calif., VOR 339° True and the Ontario, Calif., VOR 047° True radials."

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 20, 1960.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 60-4774; Filed, May 26, 1960; 8:45 a.m.]

**Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS****Chapter I—Patent Office, Department of Commerce****PART 1—RULES OF PRACTICE IN PATENT CASES****PART 2—RULES OF PRACTICE IN TRADEMARK CASES****Fees and Charges**

The following amendments are made to take effect thirty days after publication in the *FEDERAL REGISTER*. Notice and public procedure are deemed unnecessary as the changes relate to minor adjustment of fee items.

1. In § 1.21 delete paragraph (c); amend paragraphs (a), (b) and (t); and add paragraphs (u) and (v), as follows:

**§ 1.21 Patent and miscellaneous fees and charges.**

- |  |        |
|--|--------|
| (a) For typewritten copies of records, for each page produced (double-spaced) or fraction thereof.....   | \$1.00 |
| (b) For photocopies or other reproductions of records, drawings, or printed material, per page of material copied.....   | .30    |
| (c) [Deleted]  |        |
| (t) For special service to expedite furnishing items or services ahead of regular order:<br>On orders for copies of U.S. patents and trademark registrations, in addition to the charge for the copies, for each copy ordered..... | .25    |

On all other orders or requests for which special service facilities are available, in addition to the regular charge, a special service charge equal to the amount of regular charge; minimum special service charge per order or request..... \$1.00

(u) For air mail delivery:

On "special service" orders to destinations to which U.S. domestic air mail postage rates apply, no additional charge.

On regular service orders to any destination and "special service" orders to destinations other than those specified in the preceding subparagraph, an additional charge equal to the amount of air mail postage. (Available only when the ordering party has, with the Patent Office, a deposit account. § 1.25.)

(v) For items and services, that the Commissioner finds may be supplied, for which fees are not specified by statute or by this section, such charges as may be determined by the Commissioner with respect to each such item or service.

(Sec. 1, 66 Stat. 793; 35 U.S.C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U.S.C. 41)

2. In § 2.6 amend paragraph (b) and delete paragraph (c) as follows:

**§ 2.6 Trademark fees.**

- |  |        |
|--|--------|
| (b) For photocopies or other reproductions of records, drawings, or printed material, per page of material copied..... | \$0.30 |
| (c) [Deleted]  |        |

(Sec. 41, 60 Stat. 440, sec. 1, 66 Stat. 793; 15 U.S.C. 1123, 35 U.S.C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U.S.C. 41)

ROBERT C. WATSON,  
Commissioner of Patents.

Approved: May 23, 1960.

FREDERICK H. MUELLER,  
Secretary of Commerce.

[F.R. Doc. 60-4794; Filed, May 26, 1960; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 1029 ]

[Docket No. AO-317]

#### HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUN- TIES IN THE STATE OF WASHING- TON AND IN UMATILLA COUNTY, OREGON

##### Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Yakima, Washington, on March 2-3, 1960, and continued at Milton-Freewater, Oregon, on March 4, 1960, after notice thereof published in the *FEDERAL REGISTER* (25 F.R. 1127), on a proposed marketing agreement and order regulating the handling of fresh prunes grown in designated counties in the States of Washington and Oregon, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, on April 21, 1960, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the *FEDERAL REGISTER* (F.R. Doc. 60-3751; 25 F.R. 3579). Within the time prescribed for the filing of exceptions to the recommended decision an exception was filed by Rosemary Van Slyke (Mrs. Clarke Van Slyke), Route 1, Box 213, Milton-Freewater, Oregon, requesting that District 2 be omitted from the order and contending that (1) the proposed authorization for regulation of intrastate shipments of prunes is unconstitutional and, therefore, unenforceable; (2) the boundary of District 2 is misleading in that no commercial prune orchards are located in certain of the counties included in this district; (3) District 1 and the Milton-Freewater area are competing areas and grow different quality prunes and have different marketing problems; (4) the provision for redistricting is unfair to Milton-Freewater growers since the order provision for reapportionment of representation on the committee could, potentially, cause the Milton-Freewater area to lose most of its representation; and (5) overwhelming support for the proposed program, is

not evidenced in District 2 and that such support is essential for the marketing order to be a success.

With respect to (1) above, section 608c(1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608c(1)), authorizes the regulation of "such handling—(of prunes)—as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects" such commerce. The evidence of record shows that all shipments of prunes, grown in the production area, are either in interstate commerce or directly burden, obstruct, or affect such commerce; and the recommended decision therefore correctly finds and concludes that all handling of prunes, as defined in the order, should be subject to the provisions of the order.

It appears to be the main contention of (2) above, that no commercial prune orchards are located in Asotin, Garfield, and Columbia Counties and only a small commercial production is located in Walla Walla County (all in the State of Washington); hence, it is "misleading" to show Districts 1 and 2 to be contiguous. While the record of the hearing does not show there are currently commercial prune producing orchards in all of the aforesaid counties nor that such production is currently taking place in each of the counties of District 1, the record does show that within each such county there are areas which, because of weather pattern, soil, and water conditions, are potential prune producing area. The general conditions within the three above-named counties in Washington more nearly resemble those of the Milton-Freewater area than of District 1. Thus, these three counties and Umatilla County, Oregon, are included in a separate district, designated in the order as District 2. Also, prior to the freeze of November 1955, when prune trees in District 2 were killed or extensively damaged, prunes produced in Walla Walla County in Washington were often commingled with those produced in the Milton-Freewater area during the packing and marketing operation. It is expected that this will occur again when prune production is re-established in this area.

Concerning (3) above, that District 1 and the Milton-Freewater area, which is included in District 2, are competing areas, separated by more than 50 miles, and grow different quality prunes and have different marketing problems, the evidence of record does show that the main producing sections in the two districts are several miles apart, and, because of different weather and other conditions, have different production and marketing problems. For this reason, the production area defined in the order is separated into two districts and authorization is provided for such separate regulation in the two districts as condi-

tions warrant. The record also shows that, even though some prunes from the Milton-Freewater area are usually marketed a little earlier than the prunes produced in District 1, there is a period, during the marketing season, when prunes from each area are being marketed at the same time and in the same markets. Also, such prunes are of the same varieties and are packaged in the same kind of containers.

In regard to the provision contained in Section 1029.31(m) for redistricting ((4) above), the proponents from District 1 made it clear at the hearing that they wanted the Milton-Freewater area to have more than proportionate representation on the committee based upon current production. It is speculative to assume that District 2 will, by reason of the provision for reapportionment of representation on the committee, lose its relative position on the committee.

With respect to (5) above, concerning the support of the marketing order in District 2, an opportunity will be afforded to growers during the referendum period to vote, expressly, on whether they favor the program.

Finally, to exclude any portion of the production area, as defined, where prunes are now being produced or which is potential production area would tend to defeat the purposes of the order, in that the prunes that may be produced in any such excluded portion which do not meet regulations applicable to regulated fruit could then be marketed free from regulations and thereby depress the prices for regulated prunes grown in the remainder of such area. Hence, it is concluded that District 2 should not be excluded from the production area.

This exception to the recommended decision was carefully and fully considered, in conjunction with the evidence of record, in arriving at the findings and conclusions set forth herein. For the reasons stated, the extent that the exception, including all contentions made therein, is at variance with the findings and conclusions set forth in this decision, such exception is denied.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the *FEDERAL REGISTER* (F.R. Doc. 60-3751; 25 F.R. 3579) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in Umatilla County, Oregon," and "Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in



Umatilla County, Oregon," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

*It is hereby ordered.* That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 23, 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

*Order<sup>1</sup> Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in Umatilla County, Oregon*

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<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1029.0 to 1029.71, inclusive, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1029.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on March 2-3, 1960, and continued at Milton-Free-water, Oregon, on March 4, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Washington and in Umatilla County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of prunes grown in the production area; and

(5) All handling of prunes grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is, therefore, ordered.* That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1029.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1029.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 1029.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1029.4 Production area.

"Production area" means the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all counties in Washington lying east thereof and Umatilla County in the State of Oregon.

§ 1029.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as *Prunus domestica*, grown in the production area, except those of the President variety.

§ 1029.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

§ 1029.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1029.8 Committee.

"Committee" means the Washington-Oregon Fresh Prune Marketing Committee established pursuant to § 1029.20.

§ 1029.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520-51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 1029.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specifications as may be established by the committee with the approval of the Secretary.

§ 1029.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

§ 1029.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes

owned by another person) who handles prunes.

#### § 1029.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

#### § 1029.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1029.31(m):

(a) "District 1" shall include all of the production area except Walla Walla, Columbia, Garfield, and Asotin Counties in the State of Washington, and Umatilla County in the State of Oregon.

(b) "District 2" shall include the County of Umatilla in the State of Oregon and the Counties of Walla Walla, Columbia, Garfield, and Asotin in the State of Washington.

#### § 1029.15 Export.

"Export" means to ship prunes to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

#### § 1029.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

#### § 1029.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

#### ADMINISTRATIVE BODY

#### § 1029.20 Establishment and membership.

There is hereby established a Washington-Oregon Fresh Prune Marketing Committee consisting of 9 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Three of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 3 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of prunes in District 1, and 2 of the grower members and their respective alternates shall be producers of prunes in District 2. Two of the handler members

and their respective alternates shall be handlers of prunes in District 1, and 1 of the handler members and his respective alternate shall be handlers of prunes in District 2.

#### § 1029.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided*, That the term of office of one-half the initial grower members and alternates from each district and one handler member and alternate from District 1 shall end March 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

#### § 1029.22 Nominations.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committees are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1029.20.

(b) *Successor members.* (1) Except as may otherwise be prescribed pursuant to subparagraph (3) of this paragraph, the committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates: *Provided*, That, in the event the committee determines that attendance at such nomination meetings is not representative of handlers generally, it may, with the approval of the Secretary, obtain nominations for handler members and their alternates by mail ballot. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles prunes, which vote shall be weighted by the volume of prunes handled by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

#### § 1029.23 Selection.

From the nominations made pursuant to § 1029.22, or from other qualified persons, the Secretary shall select the 6 grower members of the committee, the 3 handler members of the committee, and an alternate for each such member.

#### § 1029.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1029.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1029.20.

#### § 1029.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

#### § 1029.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1029.22 and 1029.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1029.20.

#### § 1029.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for

him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

#### § 1029.30 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

#### § 1029.31 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;
- (f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;
- (g) To act as intermediary between the Secretary and any grower or handler;
- (h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;
- (i) To submit to the Secretary such available information as he may request;
- (j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;
- (k) To give the Secretary the same notice of meetings of the committee as is given to its members;
- (l) To investigate compliance with the provisions of this part;
- (m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune pro-

duction within the districts and the production area.

#### § 1029.32 Procedure.

(a) Six members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least 6 members: *Provided*, That any action relating to regulations authorized by §§ 1029.52 and 1029.53 which would be effective in District 2 shall require the concurring vote of at least 2 members from District 2.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

#### § 1029.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed \$10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

#### § 1029.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

### EXPENSES AND ASSESSMENTS

#### § 1029.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1029.41.

#### § 1029.41 Assessments.

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

#### § 1029.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1029.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the

persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

#### RESEARCH

##### § 1029.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1029.41.

#### REGULATIONS

##### § 1029.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1029.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

- (1) The estimated total production of prunes within the production area;
- (2) The expected general quality and size of prunes in the production area and in other areas;
- (3) The expected demand conditions for prunes in different market outlets;
- (4) The expected shipments of prunes produced in the production area and in areas outside the production area;
- (5) Supplies of competing commodities;
- (6) Trend and level of consumer income;
- (7) Other factors having a bearing on the marketing of prunes; and
- (8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

##### § 1029.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1029.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

##### § 1029.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in any district or districts: *Provided*, That whenever any regulation under this subparagraph prescribes a specific maturity requirement applicable to the handling of any variety of prunes, such maturity requirement shall apply uniformly to all prunes of such variety grown in both districts;

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of prunes;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

##### § 1029.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1029.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regu-

lation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

##### § 1029.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1029.41, 1029.52, 1029.53, and 1029.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1029.41, 1029.52, 1029.53, or § 1029.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1029.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

##### § 1029.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1029.52 or § 1029.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such

prunes. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect.

#### REPORTS

##### § 1029.60 Reports.

(a) Upon request of the committee made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes; and (4) the destination of each shipment of such prunes.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the prunes received, and of prunes disposed of, by such handler as may be necessary to verify reports pursuant to this section.

#### MISCELLANEOUS PROVISIONS

##### § 1029.61 Compliance.

Except as provided in this part, no person shall handle prunes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

##### § 1029.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

##### § 1029.63 Effective time.

The provisions of this part and any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 1029.64.

##### § 1029.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

##### § 1029.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

##### § 1029.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not

(a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

##### § 1029.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

##### § 1029.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

##### § 1029.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

##### § 1029.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

##### § 1029.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

*Order directing that referendum be conducted; designation of agents to conduct referendum; and determination of representative period*

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1959, through March 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all the counties in Washington lying east thereof, and in Umatilla County, Oregon,



in the production of fresh prunes for market to ascertain whether such producers favor the issuance of an order regulating the handling of fresh prunes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk; United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 23, 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-4785; Filed, May 26, 1960; 8:47 a.m.]

## Commodity Stabilization Service

### [7 CFR Part 711]

## MARKETING QUOTA REVIEW REGULATIONS

### Notice of Proposed Rule Making

Pursuant to the authority contained in section 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375), the Secretary of Agriculture is preparing to reissue the marketing quota review regulations effective July 15, 1960 (21 F.R. 9365, 9716, 24 F.R. 10868) in substantially the same form except for the following principal changes: (1) County committee members will be eligible as members of a review committee, (2) appointment of a panel of six or more farmers as review committee members instead of appointment of three regular and three alternate members, (3) clarification of the geographic limits of an area of venue, (4) elimination of record keeping by the Hearing Clerk, United States Department of Agriculture, (5) revision of procedure where only two review committee members are present to complete a hearing, (6) clarification of hearing procedure upon issuance of an order of dismissal and (7) clarification of procedure for reopening hearings. In addition, editorial changes are proposed.

#### GENERAL

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#### COURT PROCEEDINGS

- 711.27 Procedure in the case of court proceedings.

#### PUERTO RICO

- 711.28 Special provisions applicable to Puerto Rico.

AUTHORITY: §§ 711.1 to 711.28 issued under sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375. Interpret or apply secs. 363-368, 52 Stat. 63, 64, as amended; 7 U.S.C. 1363-1368.

#### GENERAL

- § 711.1 Effective date.

The Marketing Quota Review Regulations approved November 27, 1956, and published in the FEDERAL REGISTER on November 30, 1956 (21 F.R. 9365, 9716, 24 F.R. 10868), as amended, shall remain in effect and apply to all hearings commenced prior to July 15, 1960, and such regulations are superseded as of midnight, July 14, 1960. The provisions of §§ 711.1 to 711.28 are effective July 15, 1960.

- § 711.2 Definitions.

As used in §§ 711.1 to 711.28 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State administrative officer," and "county office manager" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 711.1 to 711.28.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(c) "Director" means the Director, or Acting Director, of the applicable Division,

Commodity Stabilization Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of upland and extra long staple cotton, the Grain Division in the case of rice and wheat, the Oils and Peanut Division in the case of peanuts, and the Tobacco Division in the case of tobacco.

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following factors: farm acreage allotment, normal yield for the farm, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, and determination by the county committee of the land constituting the farm.

(e) "Application" means an application for review of a quota under section 363 of the act.

(f) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(g) "Clerk to the review committee" means a county office manager for the county in which the application was filed or other person designated by the State administrative officer to serve as clerk to a review committee.

(h) "County" means a county or parish of a State or any other equivalent subdivision of a State, as for example but not limited to independent cities and the north and south areas of Puerto Rico.

- § 711.3 Issuance of forms and instructions.

The Deputy Administrator shall issue such forms and instructions with respect to internal management necessary for carrying out §§ 711.1 to 711.28. The following general forms, as revised from time to time, are prescribed for use in connection with review hearings:

- (a) NQ-53 Application for Review.  
(b) NQ-54 Notice of Untimely Filing.  
(c) NQ-55 Notice of Insufficiency.  
(d) NQ-56 Notice of Hearing.  
(e) NQ-57 Order of Dismissal.  
(f) NQ-58 Determination of Review Committee.  
(g) NQ-59 Oath of Review Committeemen.

- § 711.4 Availability of records.

The clerk to the review committee shall carefully keep a record of all applications and of all proceedings relating to the review of such applications. Such records shall be available for public inspection at the office of the clerk to the review committee.

#### REVIEW COMMITTEE

- § 711.5 Eligibility as member of a review committee.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in Part 7 of Subtitle A of this Title (21 F.R. 8385; 7 CFR 7.1 to 7.42), as amended, in a county within the area of venue for which he is to be appointed shall be eligible to serve as a member of a review committee for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be



eligible to serve on a review committee in another State.

**§ 711.6 Appointment of a panel of members.**

The Secretary shall appoint a panel of six or more eligible farmers to serve as members of review committees in each area of venue. Notice of appointment shall be sent to the State committee, which shall notify the farmers so appointed and the clerk to the review committee. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper. The members of review committees appointed for 1960 prior to the effective date of §§ 711.1 to 711.28 shall be deemed to be a panel of members under this paragraph on such effective date: *Provided, however*, That the members appointed as chairman and vice-chairman for 1960 shall continue in such offices for the balance of their terms of office for 1960.

**§ 711.7 Oath of office.**

Each farmer appointed to serve as a member of a review committee shall, as soon as possible after appointment, execute an oath of office on such form as may be prescribed by the Deputy Administrator, duly subscribed and sworn to or affirmed before a notary public. No farmer shall serve on a review committee unless such oath of office has been duly executed and filed with the State administrative officer or the clerk to the review committee. A farmer appointed for consecutive terms to serve as a member of a review committee shall not be required to file a new oath of office after the original filing.

**§ 711.8 Composition of review committee.**

(a) *Three designated members from the panel constitute a review committee.* Three members from the panel shall act as a review committee to hear applications for review for the prescribed area of venue. The State administrative officer shall designate from the panel of members for the prescribed area of venue three members who shall act as a review committee to hear specific applications and shall designate one of these three members as chairman of the review committee and another member as vice-chairman. Where the number of applications pending require two or more review committees for prompt disposition of such applications, the State administrative officer shall designate the members of each review committee, the chairman and vice-chairman thereof, and the specific applications to be heard by each review committee. Two or more review committees may hear applications concurrently in an area of venue. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman. The State administrative officer shall notify

members of each review committee of the schedule of hearings. No member shall serve in any case in which a quota will be reviewed for a farm in which such member, any of his relatives or business associates is interested, nor shall any member serve where he had acted as State, county, or community committee member on a quota to be reviewed by the review committee.

(b) *Only two members present to commence hearing.* Where only two members of a review committee are present to commence a hearing, although three members were scheduled to hear the application, at the request of or with the consent of the applicant in writing, a hearing conducted by two members of the review committee shall be deemed to be a regular hearing of the review committee as to such application. The determination made by such members shall constitute the determination of the review committee. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State administrative officer. If the applicant does not consent in writing to a hearing conducted by two members of the review committee, the hearing shall be rescheduled.

(c) *Only two members remain to complete a hearing.* Where only two members of a review committee remain to complete a hearing commenced with three members, due to serious illness, death, or other cause which prevents one of the members from completing the hearing within a reasonable time, at the request or with the consent of the applicant in writing, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purpose of such hearing. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State administrative officer. If the applicant does not consent in writing to completion of the hearing by two members of the review committee, the hearing shall be rescheduled.

**§ 711.9 Term of office.**

Appointment as a member of a review committee panel shall be for a term of one calendar year. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee shall continue in office to conclude hearings before it which are begun during such year and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court. If any member of such review committee is no longer in office because of death, resignation or ineligibility, the State administrative officer shall designate another member to serve on such review committee.

**§ 711.10 Compensation.**

The members designated as review committeemen shall receive compensation when serving at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be en-

titled to receive compensation for services as such member for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

**§ 711.11 Effect of change in composition of review committee.**

Nothing contained in §§ 711.5 to 711.10 relating to any vacancy or revocation or suspension of appointment and nothing done pursuant thereto shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee whose office has become vacant participated, or as affecting in any way court proceeding which may be instituted to review such discrimination.

**JURISDICTION**

**§ 711.12 Area of venue and jurisdiction.**

An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen during their term of office. An area of venue may consist of all or part of a county, or more than one county within a State. A review committee shall have jurisdiction to hear timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

**APPLICATION FOR REVIEW OF QUOTA**

**§ 711.13 Manner and time of filing.**

(a) Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota on Form MQ-24, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ-93, or other official notice of farm marketing excess, file a written application for review thereof by the review committee. Such review may include any of the factors applicable to the quota as defined in § 711.2(d): *Provided, however*, That any determination of the county committee, such as the farm acreage allotment, which has previously been reviewed by a review committee and has become final, shall not be reconsidered in a subsequent review proceeding concerning the same farm marketing quota. Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ-53 available on request) whether made on

Form MQ-53 or not, shall contain the following:

- (1) Date of application and commodity (including type where applicable, e.g. upland cotton, flue-cured tobacco).
- (2) Correct full name and address of applicant.
- (3) Brief statement of each ground upon which the application is based.
- (4) A statement of the amount of quota which it is claimed should have been established.
- (5) Signature of applicant.

#### § 711.14 Examination by county committee.

As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period the county office manager shall send a notice of untimely filing on Form MQ-54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper in whole or in part, the county committee shall notify the applicant thereof and, upon withdrawal of the application by the applicant, shall revise the quota within the limits of the act and the regulations for the commodity and mail a notice of revised quota to the applicant. Where any such adjustment is approved as provided in the applicable regulations for the commodity, a charge of the amount so approved, but not to exceed the amount approved by the review committee if the application is not withdrawn, shall be made against applicable available reserve acreages;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ-55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications remaining which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State administrative officer with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute.

#### § 711.15 Withdrawal of applications.

An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed by the clerk to the review com-

mittee "Dismissed at the request of the applicant."

#### § 711.16 Amendments.

Upon due application, and within the discretion of the review committee, the right to amend the application and all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

#### HEARING AND DETERMINATION

#### § 711.17 Place and schedule of hearing.

The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State administrative officer, or by the review committee in cases arising under § 711.20: *Provided, however*, That the place of hearing may be in some other county if agreed to in writing by the applicant. The State administrative officer shall schedule applications for hearings and forward such schedule to the clerk to the review committee. Applications for review shall be scheduled for hearing as soon as possible within a period not to exceed 60 calendar days from the date of filing unless a later date is approved by the State committee upon a showing that due to volume of work it is not possible to hear the cases within such 60-day period.

#### § 711.18 Notice of hearing.

The clerk to the review committee shall give written notice on Form MQ-56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time, place and nature of the hearing, contain a statement of the statutory authority for the hearing, state that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located, and that a verbatim transcript may be obtained by the applicant if he makes arrangement therefor before the hearing and pays the expense thereof.

#### § 711.19 Order of Dismissal.

(a) *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form MQ-57 shall be issued, as provided in § 711.24. If it does not concur, the State administrative officer shall be advised and shall schedule a hearing.

(b) *Hearing on issues of timely filing, sufficiency of application, or failure to appear at a scheduled hearing.* The applicant may file a written request for a

hearing on issues of timely filing, sufficiency of the application, or failure to appear at a scheduled hearing, with the clerk to the review committee within 15 days after the date of mailing of the order of dismissal giving the reasons why he believes a hearing should be held and the State administrative officer shall schedule a hearing as to such issues. Such hearing shall also include a determination on the merits of any application found to be timely filed and sufficient, and, where applicable, the applicant shows that with the exercise of due diligence he was unable to appear at his scheduled hearing.

#### § 711.20 Continuances.

Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued pursuant to § 711.18. In the event a full committee of three is not present those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.8 (b) or (c).

#### § 711.21 Conduct of hearing.

(a) *Open to public.* Except as otherwise provided in §§ 711.1 to 711.28, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State administrative officer and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without

notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge. The clerk to the review committee shall certify that the summary of the testimony or the verbatim transcript, is accurate to the best of his knowledge and belief.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk to the review committee and an additional copy thereof shall be provided to the other party.

#### § 711.22 Nonappearance of applicant.

If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent

applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant and no continuance has been requested by the applicant, the review committee shall thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application.

#### § 711.23 Determination by review committee.

As soon as practicable after hearing on an application, including a hearing on an order of dismissal, the review committee shall make a determination upon the application. This determination shall be made as soon as possible. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The determination shall also show the review committee's rulings upon the proposed findings and conclusions filed by the applicant. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county office manager shall make available to the review committee such clerical and stenographic assistance as may be required.

#### § 711.24 Service of determination.

A copy of the determination, or of any order dismissing the application, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the applicant by depositing the same in the United States mails in accordance with section 365 of the act, and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who, as operator, landlord, tenant, or sharecropper, are or will be interested in the above-named commodity on the above-identified farm in the year for which the marketing quota being reviewed is established," and such statement shall constitute notice to all such persons. The clerk to the review committee shall make a notation on the original determination or order of the date and place of such mailing. The clerk to the review com-

mittee forthwith shall forward two copies of such determination or order to the State office, and one copy to the county committee. The determination of the review committee does not become final until the maximum period for reopening of hearing under § 711.25 has expired without any reopening; or if reopened thereunder, such determination becomes final upon issuance of a new determination pursuant to the reopened hearing, subject to further appeal to a court by the applicant.

#### § 711.25 Reopening of hearing.

(a) *Upon motion of review committee.* Upon its own motion within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ-58 the review committee may reopen a hearing for the purpose of taking additional evidence or of adding any relevant matter or document.

(b) *Upon applications based on new evidence.* Upon application by the applicant, the county committee, or other interested parties, filed with the review committee within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ-58, the review committee shall reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document if such evidence or documents constitute new evidence not available to the parties at the time of the hearing.

(c) *Upon application by the Secretary.* Upon application by the Secretary or on his behalf by the Deputy Administrator filed with the review committee within forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ-58 for any purpose, the review committee shall reopen the hearing.

(d) *Schedule of reopened hearing.* Schedule of and notice of any reopened hearing shall follow the requirements of §§ 711.17 and 711.18 insofar as practicable. Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, no hearing shall be reopened after an appeal to a court pursuant to section 365 of the act has been timely filed by the applicant. No special hearing shall be scheduled, provided, that the applicant may present evidence and arguments to contest the reopening when the reopened hearing is held.

#### § 711.26 Record of hearing.

The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The summary of the testimony prepared by the review committee if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.21(f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct, and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk to the review committee and upon payment of the actual cost of supplying such copy.

#### COURT PROCEEDINGS

##### § 711.27 Procedure in the case of court proceedings.

Upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, the review committee is required, by section 365 of the act, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk to the review committee. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

#### PUERTO RICO

##### § 711.28 Special provisions applicable to Puerto Rico.

(a) Notwithstanding the provisions of §§ 711.1 to 711.27, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. Any farmer who is eligible to vote in a

referendum for which a quota has been proclaimed but who did not in any respect participate in the determination of any quota for the review of which the review committee is established, shall be eligible to serve as a member of a review committee. The clerk to the review committee shall be the ASC district supervisor of the district in which the review committee will hold its hearings.

(b) Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Prior to the issuance of such regulations, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D.C., this 23d day of May 1960.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-4795; Filed, May 26, 1960;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

#### [ 44 CFR Part 401 ]

### IMPORTATION INTO THE UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

#### Notice of Proposed Rule Making

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property (24 F.R. 366).

The purpose of the proposed amendments is to provide an additional procedure, to be known as the Small Lot Procedure, to enable certain items of foreign excess property to be imported in bond exclusively for the use of applicants.

These amendments are considered necessary and desirable in order to inform the public of the policy and procedure of the Department of Commerce on this subject and to simplify and make less burdensome the administration of section 402 of the Federal Property and Administrative Services Act of 1949. Under these amendments it will be unnecessary for the Foreign Excess Property Officer to conduct investigations with a view to determining whether or

not the importation of the specified property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

The proposed amendments will include a new section of Foreign Excess Property Order No. 1 (Revised) which will be designated as § 401.4a *Small Lot Procedure*. They will also include an amendment to § 401.13 *Appeals*.

It is proposed to make these amendments effective upon the date of their publication in the FEDERAL REGISTER which will be not less than 30 days subsequent to the date of publication of this notice.

It is proposed to publish § 401.4a in substantially the following form:

#### § 401.4a Small Lot Procedure.

(a) Small Lots of foreign excess property, as defined herein, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of \$10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.5. In lieu of the information required in Item 5 of Part I, the application must include the following statement:

This application is filed in accordance with and subject to the provisions of § 401.4a—Small Lot Procedure.

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than \$10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued pursuant to this Section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added condition:

There is incorporated in and made a part of the bond No. -----, dated -----, in the amount of \$-----, executed by -----, as principal, and -----, as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted, in accordance with § 401.5a of Foreign Excess Property Order No. 1 (Revised), to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,

Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;

Now therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Custom officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;

Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this Section and may take appropriate measures to secure compliance with the

conditions and obligations of such bonds and for the enforcement thereof.

Section 401.13 will be amended by adding a subparagraph (5) to paragraph (b) thereof. It is proposed to publish § 401.13(b) (5) in substantially the following form:

(5) In determining that an applicant under the Small Lot Procedure established by § 401.4a has failed to meet the conditions specified therein.

Interested persons may submit to the Foreign Excess Property Officer, Room 4816, U.S. Department of Commerce, Washington 25, D.C., data, views or arguments in writing but not orally relative to the proposed issuance of these amendments. All relevant material received within 20 days following the day of publication of this Notice will be considered.

Dated: May 24, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,  
WILLIAM A. WHITE, Sr.,  
Administrator.

[F.R. Doc. 60-4787; Filed, May 26, 1960; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 19 ]

### CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

#### Cream Cheese and Neufchatel Cheese; Notice of Proposal To Amend Standards of Identity

Notice is given that a petition has been filed by the Kelco Company, 8225 Aero Drive, San Diego, California, setting forth proposed amendments to the regulations fixing and establishing definitions and standards of identity for cream cheese and neufchatel cheese (21 CFR 19.515, 19.520 (24 F.R. 6478)).

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of

Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that:

1. Section 19.515 be amended by specifying propylene glycol alginate as an additional optional ingredient in paragraph (b) (2). As amended, § 19.515(b) (2) would read as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

(b) \* \* \*

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

2. Section 19.520 be amended by specifying propylene glycol alginate as an additional optional ingredient in paragraph (b) (2). As amended, § 19.520 (b) (2) would read as follows:

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

(b) \* \* \*

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

Dated: May 20, 1960.

[SEAL] J. K. KIRK,  
Assistant to the Commissioner  
of Food and Drugs.

[F.R. Doc. 60-4782; Filed, May 26, 1960; 8:46 a.m.]



# Notices

## FEDERAL POWER COMMISSION

[Docket No. G-5471 etc.]

### ALABAMA-TENNESSEE NATURAL GAS CO.

#### Order Consolidating Proceedings and Fixing Date of Hearing

MAY 19, 1960.

Alabama-Tennessee Natural Gas Company, Docket Nos. G-5471, G-11982, G-17218, G-19984.

The proceedings in Docket Nos. G-5471, G-11982, G-17218, and G-19984 concern proposed increased rates and charges contained in certain revised tariff sheets tendered by Alabama-Tennessee Natural Gas Company (Alabama-Tennessee). Pursuant to the provisions of the Natural Gas Act, Commission orders, issued on the dates indicated below, suspended the effectiveness of the proposed increased rates and charges, made their lawfulness subject to public hearings, and orders subsequently issued permitted said rates and charges to become effective subject to refund.

Date tendered	Date of suspension order	Docket No.	Approximate annual increase proposed
11-5-54	12-2-54	G-5471	\$74,000
1-14-57	2-13-57	G-11982	184,000
11-14-58	12-12-58	G-17218	134,000
10-5-59	11-4-59	G-19984	516,000

Alabama-Tennessee and various interveners conferred with the staff of the Commission during a period of two days for the purpose of attempting to settle some of the issues in these proceedings,

but found settlement impossible. Therefore, it appears advisable to consolidate these proceedings and to fix a date for hearing beginning July 12, 1960, the earliest date convenient to the parties.

The lawfulness of the increased rates and charges proposed by Alabama-Tennessee, in the above-identified proceedings having been made subject to a public hearing by the orders of the Commission heretofore issued and the matters at issue having common questions of law and fact, it appears that these proceedings should be consolidated for the purpose of hearing.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings in Docket Nos. G-5471, G-11982, G-17218 and G-19984 should be consolidated for the purpose of hearing as hereinafter ordered.

(2) Pursuant to the provisions of the Natural Gas Act, a hearing should be held commencing July 12, 1960, on the matters in issue in the proceedings in Docket Nos. G-5471, G-11982, G-17218, and G-19984, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G-5471, G-11982, G-17218, and G-19984 are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing July 12, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concern-

ing the matters involved in and the issues presented by the increased rate filings made by Alabama-Tennessee in the proceedings in Docket Nos. G-5471, G-11982, G-17218 and G-19984.

(C) Protests or petitions to intervene may be filed with the Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1960.

By the Commission.

JOSEPH H. GUTHRIE,  
Secretary.

[F.R. Doc. 60-4775; Filed, May 26, 1960; 8:45 a.m.]

[Docket Nos. RI60-346-RI60-351]

### JAMES G. BROWN AND ASSOCIATES ET AL.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

MAY 20, 1960.

James G. Brown & Associates (Operator), et al., Docket No. RI60-346; Shoreline Petroleum Corporation, et al., Docket No. RI60-347; Shoreline Petroleum Corporation (Operator), et al., Docket No. RI60-348; Phillips Petroleum Company, Docket No. RI60-349; Jal Oil Company, Inc. (Operator), et al., Docket No. RI60-350; Mendota Oil Company, Docket No. RI60-351.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended <sup>1</sup>	Dates suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI60-346...	James G. Brown & Associates (Operator), et al.	3	3	El Paso Natural Gas Co. (Spraberry Field, Upton and Reagan Counties, Tex.).	4-19-60	4-20-60	5-21-60 <sup>2</sup>	10-21-60	11.0	17.1632	-----
RI60-347...	Shoreline Petroleum Corp., et al.	2	6	Tennessee Gas Transmission Co. (Calallen Field, Nueces County, Tex.).	4-19-60	4-20-60	5-21-60	10-21-60	14.87589	17.02416	G-19902
RI60-348...	Shoreline Petroleum Corp. (Operator), et al.	11	4	do.....	4-19-60	4-20-60	5-21-60	10-21-60	14.87589	17.02416	G-19888
RI60-349...	Phillips Petroleum Co.	4	24	Michigan Wisconsin Pipe Line Co. (Sherman Gasoline Plant, Hansford County, Tex.).	4-19-60	4-21-60	5-10-7-60	5-13-7-61	12.87038 12.82141 12.74445	14.21450 14.16019 14.0785	G-19032
RI60-350...	Jal Oil Co., Inc. (Operator), et al.	8	5	El Paso Natural Gas Co. (Langile-Mattix Field, Lea County, N. Mex.).	4-18-60	4-22-60	5-23-60	10-23-60	10.5	15.50174	G-14080
RI60-351...	Mendota Oil Co.....	8	11	El Paso Natural Gas Co. and Hunt Oil Co. (Jack Herbert Field, Upton County, Tex.).	4-20-60	4-25-60	5-26-60	10-26-60	8.108	13.68225	-----

<sup>1</sup> The stated effective dates are those requested by respondents or the first day after expiration of the required statutory notice, whichever is later.

<sup>2</sup> Or such subsequent date as Michigan Wisconsin's rate in Docket No. RP60-9 may be submitted.

<sup>3</sup> Or five months after such later time as Michigan Wisconsin's rate in Docket No. RP60-9 may be made effective.

In support of the increases, Brown, Jal Oil, and Mendota submit copies of the renegotiated agreements and cite provisions thereof and state that such amendments resulted from arm's-length bargaining. Applicants also state that the proposed rates are not out of line with other rates in the area. Brown & Associates and Jal Oil state additionally that

the increased prices are needed to meet increased costs and provide incentive for further exploration. Mendota states that the increased price is not unjust or unreasonable and will still fail to provide a reasonable rate of return.

In support of its increases, Shoreline cites the contract favored-nation provisions and submits copies of Tennessee's

letter advising of the increased prices. Shoreline states that costs of producing gas have increased and payroll expenditures are higher, also that the increased

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.



price is consistent with the average price paid in the area and cites three higher initial prices being paid in the area by United Gas Pipe Line Company.

In support of the spiral escalation rate increases, Phillips cites the contract provisions and the triggering increase of Michigan Wisconsin.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 5, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4776; Filed, May 26, 1960;  
8:45 a.m.]

[Docket Nos. RI60-208 etc.]

## PAN AMERICAN PETROLEUM CORP. ET AL.

### Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

MAY 19, 1960.

Pan American Petroleum Corporation, et al., Docket Nos. RI 60-208, et al.; Pan American Petroleum Corporation, Docket No. RI 60-209.

On February 26, 1960, Pan American Petroleum Corporation (Pan American) tendered for filing a proposed increased

rate, apparently predicated upon a favored-nation contractual provision. The tender was designated Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 38, and by order issued by the Commission on March 25, 1960, in which the lead docket was Docket No. RI 60-208, entitled Pan American Petroleum Corporation, was suspended in Docket No. RI 60-209 until January 10, 1961, or until five months after the proposed increased rate of Cities Service Oil Company, suspended in Docket No. RI 60-168, may be made effective.

On April 22, 1960, Pan American submitted an application for rehearing of the above-designated suspension order stating, among other things, that the filing of Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 38 was made as a direct result of arbitration, as provided for in the contract with its purchaser, Northern Natural Gas Company.

In view of the fact that it now appears that Pan American's subject rate filing was predicated on arbitration agreement, and not on a favored-nation contractual provision, it is appropriate that the above-designated suspension order be amended to provide that Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 38 be suspended and the use thereof deferred, as hereinafter ordered.

The Commission finds: Good cause has been shown for amending the Commission's order issued March 25, 1960, entitled Pan American Petroleum Corporation, Docket No. RI 60-209, to provide that Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 38 be suspended and the use thereof deferred until August 28, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The Commission orders:

(A) The order of the Commission issued March 25, 1960, entitled Pan American Petroleum Corporation, Docket No. RI 60-209, is hereby amended to provide that Supplement No. 6 to Pan American's FPC Gas Rate Schedule No. 38 be suspended and the use thereof deferred until August 28, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) In all other respects the aforesaid order shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4777; Filed, May 26, 1960;  
8:45 a.m.]

[Docket No. RI60-352]

DR. JOHN D. TODD

### Order Providing for Hearing on and Suspension of Proposed Increased Rate

MAY 20, 1960.

On April 22, 1960, Dr. John D. Todd (Todd) tendered for filing a proposed

change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 20, 1960.

Purchaser and producing area: United Gas Pipe Line Company (Maxie-Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.).

Rate schedule designation: Supplement No. 2 to Todd's FPC Gas Rate Schedule No. 1. Effective date: May 23, 1960 (the stated effective date is the first day after expiration of the required thirty days' notice).

Rate in effect: 20.0 cents per Mcf.

Proposed increased rate: 20.0 cents per Mcf.

Pressure base: 15.025 psia.

In support of the proposed redetermined increased rate, Todd cites his contract provisions and the letter from United Gas Pipe Line Company notifying him of the redetermined price. Todd has made a short form filing pursuant to § 154.94(g) of the Regulations under the Natural Gas Act.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Todd's FPC Gas Rate Schedule No. 1, be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Todd's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Todd's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until October 23, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 5, 1960.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4778; Filed, May 26, 1960;  
8:45 a.m.]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1960 Revision]

## COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Companies Holding Certificates of Authority From Secretary of the Treasury Under Act of Congress Approved July 30, 1947 (6 U.S.C., Secs. 6-13) as Acceptable Sureties on Federal Bonds <sup>a</sup>

MAY 2, 1960.

This circular is published solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Information contained in this circular was formerly published as Treasury Department Form 356—Revised.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JULIAN B. BAIRD,  
Acting Secretary of the Treasury.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (d)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (c)
The Aetna Casualty and Surety Co., Hartford, Conn.	\$22,430,000	All except Canal Zone, Virgin Islands.....	CONN.—All except Virgin Islands.
Aetna Insurance Company, Hartford, Conn.	8,924,000	All except Canal Zone, Virgin Islands.....	CONN.—All except Canal Zone, Hawaii, Virgin Islands.
Allegheny Mutual Casualty Co., Meadville, Pa.	107,000	Fla., Ill., Ind., Md., Mich., Ohio, Pa., Wis.....	PA.—D.C., sFla., nIll., Md., eMich., Ohio, eWis.
American Automobile Insurance Co., Newark, N.J.	4,621,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Casualty Co. of Reading, Pennsylvania, Reading, Pa.	2,244,000	All except Canal Zone, Hawaii, Virgin Islands.....	PA.—All except Virgin Islands.
American Central Insurance Co., New York, N.Y.	898,000	All except Ark., Canal Zone, Del., Hawaii, Idaho, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	MO.—Ala., D.C., Fla., Ga., Ill., Iowa, Kans., Ky., Me., Md., Mass., Mich., Minn., Mo., N.H., nN.Y., N.C., N. Dak., Ohio, Okla., nePa., R.I., S. Dak., eTex., Vt., Va., W. Va., Wis.
American Credit Indemnity Company of New York, Baltimore, Md.	1,596,000	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Mo., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va., Wis.	N.Y.—D.C.
American Employers' Insurance Co., Boston, Mass.	2,367,000	All except Canal Zone.....	MASS.—All.
American Fidelity Co., Manchester, N.H.	284,000	Conn., Me., Mass., N.H., R.I., Vt.....	VT.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
American General Insurance Co., Houston, Tex.	2,287,000	Ala., Colo., D.C., La., Miss., N. Mex., Okla., Tex.....	TEX.—All except Conn., Del., Hawaii, Ill., eKy., Me., Md., Mass., Mich., N.H., N.J., N.Y., Ohio, Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
American Guarantee and Liability Insurance Co., Chicago, Ill.	766,000	All except Canal Zone, D.C., Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., Ind., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nsWTex., Vt.
American Home Assurance Co., New York, N.Y.	2,146,000	All except Canal Zone, Idaho, N. Dak., Oreg., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
American Indemnity Co., Galveston, Tex.	622,000	All except Alaska, Ariz., Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N. Mex., N.Y., N. Dak., Ohio, Oreg., Pa., Puerto Rico, R.I., S. Dak., Utah, Vt., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Alaska, wArk., Canal Zone, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Co., Newark, N.J.	10,752,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	N.J.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Motorists Insurance Co., Chicago, Ill.	1,000,000	All except Alaska, Ark., Del., Hawaii, Idaho, Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wyo.	ILL.—All except Alaska, Ark., Canal Zone, Del., nFla., Hawaii, Idaho, Nev., N. Mex., Oreg., Puerto Rico, Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Co., Wakefield, Mass.	3,722,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	MASS.—D.C.
American National Fire Insurance Co., New York, N.Y.	785,000	N.Y., Tex.....	N.Y.—
American Re-Insurance Co., New York, N.Y.	3,363,000	All except Canal Zone, Del., D.C., Fla., Idaho, Mont., N. Mex., Puerto Rico, Virgin Islands, W. Va., Wyo.	N.Y.—All.
American States Insurance Co., Indianapolis, Ind.	1,400,000	Colo., Ill., Ind., Ky., Mich., Ohio, Pa.....	IND.—D.C., Ill., Ky., Mich., Ohio.
American Surety Co. of New York, New York, N.Y.	2,213,000	All.....	N.Y.—All.
Anchor Casualty Co., St. Paul, Minn.	723,000	All except Alaska, Canal Zone, Conn., Del., Ga., Hawaii, Ky., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Va., Virgin Islands, W. Va.	MINN.—mnAla., Ariz., Ark., Cal., Colo., D.C., Fla., Idaho, nIll., Iowa, Kans., La., eMich., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, wOkla., Oreg., S. Dak., Tex., Utah, Wash., Wis.
Argonaut Insurance Company, Menlo Park, Cal. (Auth. June 12, 1959).	417,000	Ariz., Ark., Cal., Colo., Idaho, Iowa, La., Minn., Miss., Mont., Nev., N. Mex., N. Dak., Okla., Oreg., Tex., Utah, Vt., Wash.	CAL.—D.C., Idaho.
Associated Indemnity Corporation, Newark, N.J.	1,213,000	All except Ariz., Canal Zone, Del., Fla., Ga., La., Me., Mass., Mich., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Virgin Islands, Va., W. Va.	CAL.—nAla., Ariz., D.C., sFla., eMo., Mont., Nebr., Nev., sN.Y., wOkla., Oreg., nwTex., Utah, Wash.
Atlantic Mutual Insurance Co., New York, N.Y.	3,193,000	All except Ala., Ark., Canal Zone, Del., Fla., Hawaii, Kans., La., Me., Mass., Pa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands, Wash.	N.Y.—D.C.
Auto-Owners Insurance Co., Lansing, Mich.	1,360,000	Ala., Fla., Ga., Ill., Ind., Iowa, Ky., Mich., Minn., Mo., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., Fla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Bankers and Shippers Insurance Company of New York, New York, N.Y. (Auth. May 1, 1960).	1,108,000	Ala., Ariz., Cal., Colo., Conn., Ind., Iowa, Mass., Mich., Minn., Nebr., Nev., N. Mex., N.Y., N.C., N. Dak., Ohio, Pa., R.I., Vt., Wyo.	N.Y.—
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	467,000	All except Ark., Canal Zone, Del., Ga., Idaho, Mass., N.H., N.J., Oreg., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Insurance Co., Boston, Mass..	3,777,000	All except Canal Zone, Hawaii, Idaho, Oreg., Puerto Rico.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Dak., Oreg., Puerto Rico, Virgin Islands.
The Buckeye Union Casualty Co., Columbus, Ohio.	1,804,000	Ill., Ind., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va..	OHIO.—D.C., Ill., Ind., Ky., Mich., Pa., eTenn., Wash., W. Va.
The Camden Fire Insurance Association, Camden, N.J.	2,103,000	Alaska, Ariz., Colo., Conn., Ind., Iowa, Ky., La., Md., Nev., N.J., N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., Vt., Wyo.	N.J.—D.C.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (d)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (c)
Capitol Indemnity Insurance Co., Indianapolis, Ind.	\$46,000	Ala., Fla., Ill., Ind., Ky., La., Md., Mo., Tenn.	IND.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
Carolina Casualty Insurance Co., Jacksonville, Fla.	210,000	All except Canal Zone, Conn., Hawaii, N.H., N.Y., Oreg., Puerto Rico, R.I., Tex., Virgin Islands.	N.C.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Cascade Insurance Company, Tacoma, Wash.	158,000	Idaho, Nev., Oreg., Utah, Wash.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	301,000	Colo., D.C., Ind., Ky., Md., Mich., Ohio, Pa., Va., W.Va.	OHIO.—D.C.
Centennial Insurance Company, New York, N.Y.	693,000	All except Ala., Ark., Canal Zone, Del., Fla., Kans., La., Me., Mass., Pa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands, Wash.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio (Auth. Jan. 20, 1960).	1,367,000	Alaska, Ariz., Cal., Colo., D.C., Ind., Iowa, Md., Mo., Nev., N. Mex., Ohio, Pa., R.I., Utah, Vt., Wash., W. Va., Wyo.	OHIO.—
Central Surety and Insurance Corporation, Kansas City, Mo.	887,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Virgin Islands.
The Cincinnati Insurance Co., Cincinnati, Ohio.	114,000	Fla., Ind., Ky., Ohio.	OHIO.—D.C., sFla., sInd., Ky.
Citizens Casualty Company of New York, New York, N.Y.	207,000	All except Canal Zone, Hawaii, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Virgin Islands.
Citizens Insurance Company of New Jersey, Hartford, Conn. (Auth. Nov. 17, 1959).	670,000	All except Ala., Canal Zone, Ga., Hawaii, La., Ohio, Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.J.—Ariz., Cal., Conn., Mass.
Columbia Casualty Co., New York, N.Y.	876,000	All except Alaska, Ariz., Canal Zone, Miss., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Miss., Virgin Islands.
Commercial Insurance Company of Newark, New Jersey, Newark, N.J.	1,537,000	All except Puerto Rico.	N.J.—All.
Commercial Standard Insurance Co., Fort Worth, Tex.	401,000	Ala., Ariz., Ark., Cal., Colo., D.C., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., S. Dak., Tex., Utah, Va., Wyo.	TEX.—All except Alaska, Canal Zone, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
The Commonwealth Insurance Co., of New York, New York, N.Y.	826,000	All except Ark., Canal Zone, Conn., Del., Idaho, N.J., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Fire Insurance Company, Hartford, Conn.	5,088,000	All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Indemnity Company, New Haven, Conn.	507,000	All except Alaska, Canal Zone, Del., Hawaii, Idaho, Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Continental Casualty Co., Chicago, Ill.	20,244,000	All.	ILL.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Continental Insurance Company, New York, N.Y. (Auth. May 1, 1960).	82,412,000	All except Ala., Ark., Del., Fla., Ga., Hawaii, Idaho, Kans., La., Me., Mass., Mich., Mo., Ohio, Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands.	N.Y.—
Cosmopolitan Mutual Insurance Co., New York, N.Y. (Auth. Feb. 18, 1960).	676,000	Conn., D.C., Md., N.J., N.Y., Vt.	N.Y.—
Employers Casualty Co., Dallas, Tex.	778,000	Ariz., Cal., Colo., Ill., Ind., Iowa, Ky., Miss., Mont., Nebr., Nev., N. Mex., Okla., Tex., Utah, Wyo.	TEX.—D.C.
The Employers' Fire Insurance Co., Boston, Mass.	1,237,000	All except Canal Zone, Puerto Rico, Virgin Islands.	MASS.—All except Canal Zone, Puerto Rico, Virgin Islands.
Employers Mutual Casualty Co., Des Moines, Iowa.	1,286,000	All except Ala., Cal., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Ky., La., Me., Mass., Mont., Nev., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	IOWA.—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Co. of Wisconsin, Wausau, Wis.	5,499,000	All except Canal Zone, Virgin Islands.	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	2,371,000	All except Canal Zone, Del., Fla., Hawaii, Idaho, Kans., N.H., Puerto Rico, S. Dak., Virgin Islands, Va.	MO.—All.
Equitable Fire and Marine Insurance Company, Providence, R.I.	1,633,000	All except Alaska, Ark., Canal Zone, Idaho, La., Oreg., Puerto Rico, S.C., Virgin Islands.	R.I.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Farmers Elevator Mutual Insurance Co., Des Moines, Iowa.	334,000	Colo., Ill., Iowa, Kans., Nebr., Okla., S. Dak., Tex., Wis.	IOWA.—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Federal Insurance Co., New York, N.Y.	11,577,000	All except Virgin Islands.	N.J.—All.
The Fidelity and Casualty Co. of New York, New York, N.Y.	11,901,000	All except Puerto Rico, Virgin Islands.	N.Y.—All except Hawaii, Puerto Rico, Virgin Islands.
Fidelity and Deposit Co. of Maryland, Baltimore, Md.	5,191,000	All except Virgin Islands.	MD.—All.
Fidelity-Phenix Insurance Company, New York, N.Y. <sup>1</sup>	3,843,000	All except Ala., Ark., Canal Zone, Del., Fla., Ga., Idaho, Kans., La., Me., Mass., Mo., Ohio, Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va.	N.Y.—All except Virgin Islands
Fireman's Fund Insurance Company, San Francisco, Cal.	18,116,000	All except Canal Zone, Virgin Islands.	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, Newark, N.J.	9,023,000	All except Puerto Rico.	N.J.—All except Canal Zone
Florida Home Insurance Co., Miami, Fla.	163,000	Fla.	FLA.—D.C.
Founders' Insurance Co., Los Angeles, Cal.	191,000	Ariz., Cal., Colo., La., Miss., Nev., N.Y., Tex., Wash.	CAL.—Colo., D.C., Mont., Nebr., sOhio., Oreg., sTex.
The Fulton Insurance Co., New York, N.Y.	486,000	All except Ala., Del., Ga., Hawaii, Idaho.	N.Y.—All except Ala., Alaska, Ariz., Canal Zone, Del., Ga., Hawaii, Idaho, Miss., Puerto Rico, S.C., Tenn., Virgin Islands, eWash.
General Fire and Casualty Company, New York, N.Y.	543,000	Cal., D.C., Ill., Ind., Iowa, Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N.Y., Ohio, Okla., Pa., R.I., Utah, Va., W. Va., Wis.	N.Y.—D.C.
General Insurance Co. of America, Seattle, Wash.	8,573,000	All except Puerto Rico, Virgin Islands.	WASH.—All except Puerto Rico, Virgin Islands.
General Insurance Corporation, Fort Worth, Tex.	266,000	Ariz., Cal., Colo., Ind., Kans., Ky., La., Minn., N. Mex., N. Dak., Okla., Tex.	TEX.—D.C.
General Reinsurance Corporation, New York, N.Y.	5,396,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Virgin Islands.
Glens Falls Insurance Co., Glens Falls, N.Y.	6,001,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Puerto Rico, Virgin Islands.
Globe Indemnity Co., New York, N.Y.	5,150,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Virgin Islands.
Granite State Insurance Co., Manchester, N.H. <sup>2</sup>	721,000	All except Canal Zone, Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Great American Insurance Co., New York, N.Y.	19,964,000	All except Canal Zone, Virgin Islands.	N.Y.—All except Canal Zone, Virgin Islands.
Gulf American Fire and Casualty Co., Montgomery, Ala.	97,000	Ala., Fla., Ga., Miss., S.C.	ALA.—D.C., nmGa., sMiss.
The Hanover Insurance Co., New York, N.Y.	2,360,000	All except Ala., Canal Zone, Ga., Hawaii, Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., Canal Zone, Del., Ga., Hawaii, Idaho, Puerto Rico, S.C., Tenn., Virgin Islands.

<sup>1</sup> Formerly The Metropolitan Casualty Insurance Company of New York. Name changed, effective July 1, 1959.

<sup>2</sup> Formerly Granite State Fire Insurance Company. Name changed, effective September 30, 1959.

## NOTICES

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (d)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (c)
Hardware Mutual Casualty Co., Stevens Point, Wis.	\$1,415,000	All except Ariz., Ark., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Idaho, Kans., Me., Mass., Mich., Ohio, Oreg., Pa., Puerto Rico, S.C., S. Dak., Va., Virgin Islands, Wash.	WIS.—
Hartford Accident and Indemnity Co., Hartford, Conn.	15,590,000	All except Virgin Islands.....	CONN.—All except Virgin Islands.
Hartford Fire Insurance Co., Hartford, Conn.	41,038,000	All except Ala., Ark., Canal Zone, Del., Fla., Ga., Idaho, Kans., La., Me., Mass., Mich., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands.	CONN.—Ariz., Cal., D.C., La., N.Y.
Hawkeye-Security Insurance Co., Des Moines, Iowa.	400,000	Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Utah, Va., Wyo.	IOWA.—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
The Home Indemnity Co., New York, N.Y.	1,854,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Co., New York, N.Y.	29,399,000	All except Ala., Ark., Ga., N.C., Puerto Rico, S.C., Va.....	N.Y.—D.C.
Home Insurance Company of Hawaii, Limited, Honolulu, Hawaii.	463,000	Hawaii, Oreg.....	HAWAII.—D.C.
Houston Fire and Casualty Insurance Co., Fort Worth, Tex.	709,000	Ariz., Cal., Colo., Ind., Kans., La., Minn., Miss., Mo., N. Mex., N. Dak., Okla., Pa., Tenn., Tex.	TEX.—D.C., N. Mex., neOkla., emTenn.
Hudson Insurance Company, New York, N.Y.	295,000	N.Y.....	N.Y.—D.C.
Indemnity Insurance Co. of North America, Philadelphia, Pa.	13,129,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	PA.—All except Virgin Islands.
Industrial Indemnity Co., San Francisco, Cal.	1,015,000	Alaska, Ariz., Cal., Colo., Guam, Hawaii, Idaho, Ill., Mont., Nev., N. Mex., Okla., Oreg., Tex., Utah, Wash., Wyo.	CAL.—Alaska, Ariz., Colo., D.C., Hawaii, Idaho, Mont., Nev., N. Mex., Oreg., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	192,000	Nebr.....	NEBR.—eArk., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., Mont., Nev., N. Dak., Ohio, Oreg., S. Dak., Tex., Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	54,995,000	Cal., N.J., N.Y., Ohio, Pa., Puerto Rico, Virgin Islands..	PA.—Cal., D.C., Puerto Rico, Virgin Islands.
The Insurance Company of the State of Pennsylvania, Philadelphia, Pa.	869,000	All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands.	PA.—D.C.
International Fidelity Insurance Co., Jersey City, N.J.	213,000	Md., Mass., Mich. (Fidelity only), N.J., N.Y., Pa.....	N.J.—All except Alaska, Virgin Islands.
Iowa Mutual Insurance Co., DeWitt, Iowa.	202,000	Ala., Ariz., Colo., Fla., Ga., Ill., Iowa, Kans., La., Minn., Mont., Nebr., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Tex.	IOWA.—nAla., Colo., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y. (Auth. May 1, 1960)	727,000	Ala., Cal., Colo., Conn., Ind., Iowa, Mass., Mich., Minn., Nebr., N.Y., N.C., Ohio, Pa., R.I.	N.Y.—
The Kansas Bankers Surety Co., Topeka, Kans.	70,000	Kans.....	KANS.—D.C.
Kansas City Fire and Marine Insurance Co., Kansas City, Mo.	337,000	Ala., Ark., Colo., Ind., Iowa, Ky., Miss., Mo., Mont., Nev., N. Mex., Okla., Pa., R.I., Vt.	MO.—D.C.
Liberty Mutual Insurance Co., Boston, Mass.	9,722,000	All except Virgin Islands.....	MASS.—All except Canal Zone.
Lumbermens Mutual Casualty Co., Chicago, Ill.	3,750,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	ILL.—All except Alaska, Canal Zone, Hawaii, La., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Co., Portland, Me.	212,000	Ariz., Cal., Colo., Ky., Me., N.H., N. Mex., Tenn., Tex., Vt., Va.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
Maryland Casualty Co., Baltimore, Md.	7,566,000	All.....	MD.—All.
Massachusetts Bonding and Insurance Co., Boston, Mass.	2,253,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	MASS.—All.
The Mercantile Insurance Company of America, New York, N.Y.	732,000	All except Canal Zone, Conn., Del., Ga., Idaho, La., N.J., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Merchants Fire Assurance Corporation of New York, New York, N.Y.	5,545,000	All except Alaska, Ark., Canal Zone, Del., Fla., Ga., Hawaii, Idaho, Kans., La., Me., Nev., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tex., Vt., Va., Virgin Islands, Wyo.	N.Y.—Cal., D.C., Fla., nIll., eLa., Me., Md., Mass., Mich., Minn., wN.C., N. Dak., Oreg., ePa., eS.C., wsTex., Vt., eVa., wWash.
Merchants Indemnity Corporation of New York, New York, N.Y.	2,142,000	Cal., Conn., D.C., Ill., Ind., Iowa, Md., Mich., Mo., Nebr., N.J., N.Y., Ohio, Pa., Utah, Wash., Wis.	N.Y.—D.C., nGa., N.J., Ohio, wWash.
Mid-Century Insurance Co., Los Angeles, Cal.	794,000	Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Vt., Wash., Wis., Wyo.	CAL.—Ariz., Colo., D.C., Idaho, Mont., Nebr., Nev., N. Mex., Utah, Wash., Wyo.
Millers National Insurance Co., Chicago, Ill. (Auth. Jan. 25, 1960)	380,000	Alaska, Ariz., Colo., Ill., Ind., Iowa, Nev., N. Mex., Utah, Wyo.	ILL.—
Milwaukee Insurance Company of Milwaukee, Wis.	2,095,000	All except Canal Zone, Puerto Rico, Virgin Islands.....	WIS.—All.
Minneapolis Fire and Marine Insurance Co., Minneapolis, Minn.	533,000	Alaska, Cal., Iowa, Minn., Nebr., N.Y., Utah, Wis.....	MINN.—D.C.
National Automobile and Casualty Insurance Co., Los Angeles, Cal.	305,000	Alaska, Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Co. of Pittsburgh, Pa., Pittsburgh, Pa.	903,000	Alaska, Pa.....	PA.—D.C.
National Casualty Co., Detroit, Mich.	700,000	All except Alaska, Ariz., Ark., Canal Zone, Fla., Ga., Hawaii, Idaho, Mass., Oreg., Puerto Rico, S.C., Virgin Islands.	MICH.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Hartford, Conn.	7,010,000	All except Canal Zone, Hawaii, Idaho, Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, Nev., nN.Y., Vt., Virgin Islands.
National Grange Mutual Insurance Co., Keene, N.H.	995,000	Conn., D.C., Ill., Ind., Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, Canal Zone, Hawaii, Idaho, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	224,000	All except Ark., Canal Zone, Conn., Fla., Ga., Hawaii, La., Me., Mass., N.H., N.J., N.Y., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Virgin Islands.	NEBR.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Vt., Virgin Islands.
National Standard Insurance Co., Houston, Tex. (Auth. May 1, 1960)	206,000	Tex.....	TEX.—
National Surety Corporation, Principal Off.: New York, N.Y.; Home Off.: San Francisco, Cal.	3,816,000	All except Puerto Rico, Virgin Islands.....	N.Y.—All.
National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	3,500,000	All except Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
National Union Indemnity Co., Pittsburgh, Pa.	403,000	All except Alaska, Ark., Canal Zone, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
New Amsterdam Casualty Co., Baltimore, Md.	3,231,000	All except Canal Zone, Idaho, Virgin Islands.....	N.Y.—All except Canal Zone, Virgin Islands.
New England Insurance Co., Springfield, Mass.	1,372,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (d)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (c)
New Hampshire Insurance Co., Manchester, N.H. <sup>1</sup>	\$2,859,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Canal Zone, Hawaii, Virgin Islands.
New York Underwriters Insurance Co., New York, N.Y.	1,608,000	Ala., Alaska, Ariz., Cal., Colo., Fla., Ind., Iowa, Me., Mich., Miss., Nev., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., Va., Wyo.	N.Y.—Ariz., Cal., Fla.
Newark Insurance Co., Milford, N.J.	1,476,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., Canal Zone, Hawaii, Idaho, Nebr., Puerto Rico, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y. (Auth. May 1, 1960).	10,449,000	All except Ala., Ark., Canal Zone, Del., Fla., Ga., Hawaii, Idaho, Kans., La., Me., Mass., Mich., Mo., Ohio, Oreg., S.C., S. Dak., Tenn., Tex., Va., Virgin Islands.	N.Y.—
North American Reinsurance Corporation, New York, N.Y.	3,248,000	All except Ala., Alaska, Canal Zone, Del., D.C., Ga., Hawaii, Idaho, Mont., N. Mex., N.C., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Tenn., Va., Virgin Islands, Wyo.	N.Y.—All except Canal Zone, sGa., Hawaii, Puerto Rico, Virgin Islands, wVa., Wyo.
The North River Insurance Company, New York, N.Y.	4,916,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa (Auth. Feb. 4, 1960).	586,000	Cal., Colo., Conn., Ill., Iowa, Mich., N.H., N.J., N.Y., Ohio, Tex.	CONN.—D.C.
Northern Insurance Company of New York, New York, N.Y. (Auth. Feb. 18, 1960).	3,658,000	Alaska, Cal., Ill., Ind., Iowa, Ky., Mich., Mont., Nebr., N.J., N. Mex., N.Y., N. Dak., Ohio, Okla., Pa., R.I., S. Dak., Utah, Vt., Wash., W. Va., Wyo.	N.Y.—D.C., Me.
The Ohio Casualty Insurance Co., Hamilton, Ohio.	2,200,000	All except Alaska, Canal Zone, Hawaii, Idaho, Me., N.Y., Puerto Rico, Virgin Islands.	OHIO.—All except Canal Zone, Hawaii, Virgin Islands.
Ohio Farmers Insurance Co., Leroy, Ohio.	1,184,000	All except Ala., Alaska, Canal Zone, D.C., Fla., Ga., Hawaii, Idaho, Ky., La., Me., Miss., Mont., Nebr., N.H., Puerto Rico, S.C., Tenn., Tex., Vt., Virgin Islands, Wyo.	OHIO.—Ariz., Ark., Cal., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Ky., Md., Mass., wMich., Minn., Nev., N.J., N. Mex., nsN.Y., N.C., Okla., Oreg., emPa., Tex., Utah, eVa., Wash., W. Va., Wis.
Old Colony Insurance Co., Boston, Mass.	958,000	All except Canal Zone, Hawaii, Idaho, Oreg., Puerto Rico, S. Dak., Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, Nev., N. Dak., Oreg., Puerto Rico, Virgin Islands.
Pacific Employers Insurance Co., Los Angeles, Cal.	909,000	All except Ala., Alaska, Ariz., Ark., Canal Zone, Conn., D.C., Fla., Ga., Hawaii, Ill., Kans., Ky., La., Me., Md., Mass., Mich., N.H., N.Y., N.C., N. Dak., Okla., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wis.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Co., Los Angeles, Cal.	1,660,000	All except Canal Zone, Puerto Rico, R.I., Virgin Islands.	CAL.—All except Conn., Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii.	182,000	Hawaii.	HAWAII.—D.C.
Pacific Insurance Company of New York, New York, N.Y. (Auth. May 1, 1960).	1,581,000	Ala., Ariz., Cal., Colo., Conn., Ind., Iowa, Mass., Mich., Minn., Nebr., Nev., N. Mex., N.Y., N.C., Ohio, Pa., R.I., Wyo.	N.Y.—
Pacific National Fire Insurance Co., San Francisco, Cal.	2,593,000	All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.	CAL.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Peerless Insurance Co., Keene, N.H.	707,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, Philadelphia, Pa. <sup>1</sup>	1,824,000	All except Canal Zone, Del., Idaho, Puerto Rico, Virgin Islands.	PA.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands, Wis.
Pennsylvania Threshermen & Farmers' Mutual Casualty Insurance Co., Harrisburg, Pa.	803,000	D.C., Kans., Md., Mo., N.J., N.C., Okla., Pa., Tenn., Va.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,780,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	13,104,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Progressive Mutual Insurance Co., Cleveland, Ohio.	272,000	Ohio.	OHIO.—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,570,000	All except Ark., Canal Zone, Del., Fla., Idaho, La., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
Provident Insurance Co. of New York, New York, N.Y.	314,000	All except Ala., Alaska, Ariz., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., La., Me., Miss., Nev., Okla., Oreg., Puerto Rico, Tenn., Tex., Utah, Vt., Virgin Islands.	N.Y.—D.C., eN.C., mTenn., sW. Va.
The Prudential Insurance Co. of Great Britain Located in New York, New York, N.Y.	826,000	N.Y., Pa.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	687,000	Conn., Del., D.C., Fla., Ga., Me., Md., N.J., N.Y., N.C., Pa., W. Va.	N.Y.—D.C., sFla., ePa.
Queen Insurance Company of America, New York, N.Y.	3,748,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	2,320,000	Alaska, Cal., Colo., Ga., Ill., Iowa, Mich., Mont., Nebr., Nev., N.J., N.Y., N. Dak., Ohio, Wyo.	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	5,016,000	All except Canal Zone, Puerto Rico, Virgin Islands.	PA.—All except Canal Zone, Virgin Islands.
Republic Insurance Company, Dallas, Tex.	2,078,000	Ariz., Ark., Cal., Colo., Conn., D.C., Ill., Ind., Iowa, La., Md., Mich., Minn., Mo., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., Tex., Utah, Va., Wash., W. Va., Wis.	TEX.—
Royal Indemnity Co., New York, N.Y.	4,016,000	All except Virgin Islands.	N.Y.—All except Virgin Islands.
Safeguard Insurance Co., Hartford, Conn.	1,219,000	All except Canal Zone, Del., Idaho, La., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Ark., Canal Zone, Ga., Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Co., St. Paul, Minn.	15,295,000	All except Canal Zone, Virgin Islands.	MINN.—All
St. Paul Mercury Insurance Co., St. Paul, Minn.	1,861,000	All except Canal Zone, Puerto Rico, Virgin Islands.	MINN.—All
Seaboard Surety Co., New York, N.Y.	1,796,000	All.	N.Y.—All
Secured Insurance Company, Indianapolis, Ind. (Auth. Sept. 23, 1959).	273,000	Ga., Ind.	IND.—D.C., Ga.
Security Insurance Company of New Haven, New Haven, Conn.	1,563,000	All except Canal Zone, Del., Hawaii, Idaho, Miss., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Security Mutual Casualty Co., Chicago, Ill.	1,313,000	All except Ala., Alaska, Ariz., Canal Zone, Hawaii, Idaho, Mont., Nev., N. Mex., N. Dak., Puerto Rico, Tenn., Virgin Islands, Wyo.	ILL.—D.C.
Security National Insurance Co., Dallas, Tex.	187,000	Ark., Cal., Ill., Okla., Tex., Wis.	TEX.—All except Canal Zone, Mont.
Springfield Fire and Marine Insurance Co., Springfield, Mass.	8,450,000	All except Canal Zone, Puerto Rico, Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Standard Accident Insurance Co., Detroit, Mich.	3,005,000	All except Canal Zone, Virgin Islands.	MICH.—All except Canal Zone, Virgin Islands.

<sup>1</sup> Formerly New Hampshire Fire Insurance Company. Name changed, effective September 30, 1959.<sup>1</sup> Formerly The Pennsylvania Fire Insurance Company. Name changed, effective December 31, 1959.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (d)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (c)
The Standard Insurance Company, Tulsa, Okla.	\$269,000	Alaska, Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Nev., N. Dak., Okla., Tex., Wyo.	OKLA.—Ala., Alaska, Ark., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., esN.Y., N. Dak., ePa., R.I., S. Dak., Tenn., Tex., Utah, Wis., Wyo. OHIO.—D.C., Ky., Md., Mich., Tenn., W. Va.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,186,000	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., Ohio, Pa., Tenn., W. Va.	FLA.—D.C.
State Fire and Casualty Company, Miami, Fla.	82,000	Del., Fla., Ill. (surety only), La., Md. (surety only)-----	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Mex., Virgin Islands.
The Stuyvesant Insurance Co., Allentown, Pa.	434,000	All except Canal Zone, Conn., Hawaii, Idaho, N. Mex., Virgin Islands.	OHIO.—All except Alaska, Virgin Islands.
The Summit Fidelity and Surety Co., Akron, Ohio.	77,000	All except Alaska, Ark., Cal., Canal Zone, Conn., D.C., Ga., Hawaii, Idaho, Me., Mass., Mont., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Sun Insurance Co. of New York, New York, N.Y.	923,000	All except Alaska, Ark., Canal Zone, Hawaii, Idaho, La., Miss., Oreg., Puerto Rico, S.C., Tex., Virgin Islands.	OHIO.—All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Kans., La., Me., Miss., Mo., Mont., Nebr., N.H., esN.Y., N. Dak., Ohio, Puerto Rico, R.I., S.C., S. Dak., Tenn., Tex., Vt., wVa., Virgin Islands, Wyo.
Superior Risk Insurance Company, LeRoy, Ohio.*	516,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Idaho, La., Me., Miss., Mont., Nebr., N.H., Oreg., Puerto Rico, S.C., Tenn., Tex., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Traders & General Insurance Co., Dallas, Tex.	249,000	Ark., Cal., Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	N.Y.—All except Alaska, Canal Zone, Del., msGa., Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transcontinental Insurance Co., Hartford, Conn.	2,224,000	All except Canal Zone, Del., Hawaii, La., Oreg., Va., Virgin Islands.	MO.—D.C.
Transit Casualty Co., St. Louis, Mo.	496,000	Cal., Ind., Miss., Mo., Nebr., Okla., Utah, Wash.-----	ILL.—All except Alaska, nCal., Canal Zone, Conn., sFla., Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
Transportation Insurance Co., Chicago, Ill.	645,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	CONN.—All.
The Travelers Indemnity Co., Hartford, Conn.	12,000,000	All except Canal Zone, Virgin Islands.-----	TEX.—All.
Trinity Universal Insurance Co., Dallas, Tex.	1,499,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	OKLA.—Ala., Ariz., Ark., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., S. Dak., Tenn., Tex., Utah, Wash., Wyo.
Tri-State Insurance Co., Tulsa, Okla..	216,000	Ala., Ariz., Ark., Colo., Fla., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo.	NEBR.—D.C., Puerto Rico.
United Benefit Fire Insurance Co., Omaha, Nebr.	127,000	All except Ark., Cal., Canal Zone, Conn., Del., Ga., Md., N.J., N.Y., N.C., Oreg., Pa., S.C., Virgin Islands.	IND.—mAla., Alaska, Ariz., eArk., Cal., Colo., D.C., Fla., Ill., Iowa, Ky., La., Md., Mich., Minn., Miss., Mo., Nev., N.J., N. Mex., Ohio, Okla., Oreg. (surety only), Pa., Tex., Va., Wis.
United Bonding Insurance Co., Indianapolis, Ind.	59,000	Ala., Ariz., Ark., Cal., Fla., Ill., Ind., Iowa, Ky., La., Md., Mich., Minn., Miss., Mo., Nev., N.J., N. Mex., Ohio, Okla., Oreg. (surety only), Pa., Tex., Va., Wis.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
United Pacific Insurance Co., Tacoma, Wash.	835,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, Va., W. Va.	IND.—D.C., nIowa, eLa., wMich., Ohio.
United Public Insurance Company, Indianapolis, Ind. (Auth. Aug. 11, 1959).	103,000	D.C., Fla., Ill., Ind., Iowa, Ky., La., Mich., Minn., Miss., Nev., Ohio, Okla., Utah, Va., Wash.	N.Y.—All except Alaska, Canal Zone, Hawaii, wLa.
United States Casualty Co., New York, N.Y.	1,068,000	All except Canal Zone, Hawaii.-----	MD.—All.
United States Fidelity and Guaranty Co., Baltimore, Md.	18,793,000	All.-----	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
United States Fire Insurance Company, New York, N.Y.	8,350,000	All except Canal Zone, Hawaii, Virgin Islands.-----	NEBR.—eArk., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., Mo., Mont., Nev., N. Dak., Ohio, Oreg., S. Dak., Tex., Wash., Wyo.
Universal Surety Co., Lincoln, Nebr..	103,000	Ariz., Colo., Iowa, Kans., Ky., Minn., Mo., Mont., Nebr., Nev., Ohio, S. Dak., Tex., Wyo.	PA.—All except Virgin Islands, Wis.
Valley Forge Insurance Co., Reading, Pa.	892,000	Ala., Ark., Colo., Ga., Ill., Iowa, Md., Mass., Mich., Minn., Mo., Mont., Nev., N.J., N.Y., Ohio, Pa., Tex., Utah, Vt., Va., Wash., W. Va., Wis.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Vigilant Insurance Co., New York, N.Y.	1,536,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico.-----	VA.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Virginia Surety Co., Incorporated, Toledo, Ohio.	135,000	Alaska, Iowa, Mo., Nev., N. Mex., N. Dak., Pa., R.I., Vt., Va., W. Va., Wis.	IND.—D.C.
Wabash Fire and Casualty Insurance Co., Indianapolis, Ind.	205,000	Ind., Ohio.-----	CALIF.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., Tex., Utah, Va., Wash., Wis., Wyo.
West American Insurance Co., Los Angeles, Calif.	278,000	Calif., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Westchester Fire Insurance Company, New York, N.Y.	4,817,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Casualty and Surety Co., Fort Scott, Kans.	1,893,000	All except Alaska, Canal Zone, Conn., Del., D.C., Hawaii, Maine, Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Virgin Islands, W. Va.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	801,000	Ariz., Ark., Calif., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	S. DAK.—All Except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Western Surety Co., Sioux Falls, S. Dak.	413,000	Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., S. Dak., Tenn., Tex., Utah, Wash., Wis., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.
Wolverine Insurance Company, Battle Creek, Mich.	431,000	Alaska, Cal., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, S. Dak., W. Va., Wyo.	N.Y.—All except Alaska, Puerto Rico, Virgin Islands.
The Yorkshire Insurance Co. of New York, New York, N.Y.	467,000	All except Ark., Canal Zone, Del., Idaho, La., Nev., N. Dak., Puerto Rico, Utah, Virgin Islands.	

\*Formerly Ohio Farmers Indemnity Company. Name changed, effective June 12, 1959.



**Companies Holding Certificates of Authority From the Secretary of the Treasury as Acceptable Reinsuring Companies  
Under Treasury Circular No. 297, Dated July 5, 1922, as Amended**

Names of companies	Underwriting limitations (not limit on any one risk)	Judicial dis- tricts in which process agents have been appointed
Accident and Casualty Insurance Co. of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	\$916,000	D.C.
Alliance Assurance Co., Ltd., London, England (U.S. Office, New York, N.Y.)	483,000	D.C.
Consolidated Mutual Insurance Company, Brooklyn, N.Y. (Auth. Feb. 5, 1960)	696,000	D.C.
Constellation Insurance Company, New York, N.Y.	264,000	D.C.
The Employers' Liability Assurance Corporation, Ltd., London, England (U.S. Office, Boston, Mass.)	4,123,000	D.C.
General Security Assurance Corp. of New York, New York, N.Y.	337,000	D.C.
The Guarantee Co. of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	217,000	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	1,082,000	D.C.
London Guarantee and Accident Co., Ltd., London, England (U.S. Office, New York, N.Y.)	1,311,000	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, Hartford, Conn.)	638,000	D.C.
The Marine Insurance Co., Ltd., London, England (U.S. Office, New York, N.Y.)	624,000	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	880,000	D.O.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	430,000	
North British and Mercantile Insurance Company, Ltd., London, England and Edinburgh, Scotland (U.S. Office, New York, N.Y.)	1,174,000	D.C.
The Ocean Accident and Guarantee Corporation, Ltd., London, England (U.S. Office, New York, N.Y.)	1,439,000	D.O.
The Royal Exchange Assurance, London, England (U.S. Office, New York, N.Y.)	391,000	
Royal Insurance Company, Ltd., Liverpool, England (U.S. Office, New York, N.Y.)	2,820,000	D.C.
The Sea Insurance Co., Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	710,000	D.O.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	701,000	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	868,000	D.O.
Swiss Reinsurance Co., Zurich, Switzerland (U.S. Office, New York, N.Y.)	2,460,000	D.O.
Transatlantic Reinsurance Company, New York, N.Y.	200,000	D.O.
The Unity Fire and General Insurance Company, New York, N.Y.	341,000	D.O.

## NOTES

(a) All certificates of authority expire April 30, and are renewable May 1, annually.  
 (b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance or co-insurance in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form 369 to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

(d) The term "other areas" includes Canal Zone, Puerto Rico and Virgin Islands.

[F.R. Doc. 60-4791; Filed, May 26, 1960; 8:48 a.m.]

[AA 643.3]

### CORNSTARCH FROM THE NETHERLANDS

#### Determination of No Sales at Less Than Fair Value

MAY 23, 1960.

A complaint was received that cornstarch from the Netherlands was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cornstarch from the Netherlands is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

**Statement of reasons.** It was found that there are two types of cornstarch produced in the Netherlands, white and yellow, depending upon the corn from which made. As the two types are marketed separately and the white cornstarch commands a higher price than the yellow, they were considered separately for the purpose of the fair value comparison. All sales to the United States were the result of arms-length transactions.

The quantity of yellow cornstarch sold for home consumption in the Netherlands was so small as to be an inadequate basis for a fair value comparison. Purchase price was accordingly compared to the price for exportation to countries other than the United States. Purchase price was not lower than such

price, regardless of whether the prices were calculated upon the basis of weighted average prices or the preponderance of sales.

The quantity of white cornstarch sold for home consumption in the Netherlands was adequate to form a basis for a fair value comparison. Accordingly, purchase price was compared with home market price. It was found that there were a few instances during March and June of 1959 in which purchase price was slightly less than the home market price, but the quantity involved and the price differential were deemed not more than insignificant. There have been no subsequent sales at less than home market price, and there appears to be no likelihood of future sales at less than such price.

In calculating purchase price and third country prices, deductions were made for inland and ocean freight, loading, insurance, and discounts. In calculating home market price, deductions were made for inland freight, turnover tax, and home market discount, and an addition was made to reflect the higher cost of export packing.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 60-4790; Filed, May 26, 1960; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### LUSK SHIPPING CO., INC., AND H. L. ZIEGLER, INC.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 735, 46 U.S.C. 814):

Agreement No. 8491, between Lusk Shipping Company, Inc., New Orleans, La., and H. L. Ziegler, Inc., Houston, Texas, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 24, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-4793; Filed, May 26, 1960; 8:48 a.m.]

## TRANSOCEANIC SHIPPING CO. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

1. Agreement No. 8488, between Transoceanic Shipping Company, New Orleans, La., and Major Forwarding Company, Inc., New York, N.Y., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

2. Agreement No. 8489, between Westfeldt Bros. Forwarders, Inc., New Orleans, La., and Major Forwarding Company, Inc., New York, N.Y., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 24, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 60-4792; Filed, May 26, 1960;  
8:48 a.m.]

## FEDERAL RESERVE SYSTEM

### FIRST VIRGINIA CORP.

#### Order Approving Application

In the matter of the application of The First Virginia Corporation for prior approval of acquisition of voting shares of The Purcellville National Bank, Purcellville, Virginia.

There having come before the Board of Governors pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a) (2) of the Board's Regulation Y (12 CFR 222.4 (a) (2)), an application on behalf of The First Virginia Corporation, Arlington, Virginia, for the Board's prior approval of the acquisition of 3,107 or more of the 4,000 voting shares of The Purcellville National Bank, Purcellville, Virginia; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on April 29, 1960 (25 F.R. 3772); the said notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and com-

ments having expired and no such objections or comments having been filed;

*It is hereby ordered,* For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that the said application be and hereby is granted, and the acquisition by The First Virginia Corporation of 3,107 or more of the 4,000 voting shares of The Purcellville National Bank, Purcellville, Virginia, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 18th day of May 1960.

By order of the Board of Governors.

[SEAL]

MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 60-4779; Filed, May 26, 1960;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-160]

### GEORGIA INSTITUTE OF TECHNOLOGY

#### Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue a construction permit, substantially as set forth below, authorizing Georgia Institute of Technology to construct a one megawatt (thermal) heavy water moderated tank-type nuclear reactor on the Institute's campus in Atlanta, Georgia, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C.

For further details see (1) the application submitted by Georgia Institute of Technology and (2) a hazards analysis prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of May, 1960.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division of  
Licensing and Regulation.

<sup>1</sup>Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated February 1, 1960, and amendment thereto dated April 26, 1960 (hereinafter together referred to as "the application"), Georgia Institute of Technology requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation on the Institute's campus in Atlanta, Georgia, of a one megawatt (thermal) heavy water moderated tank-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act");

C. Georgia Institute of Technology is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Georgia Institute of Technology is technically qualified to design and construct the reactor;

E. Georgia Institute of Technology has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Georgia Institute of Technology will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Georgia Institute of Technology to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date for the reactor is January 1, 1962. The latest completion date for the reactor is December 31, 1962. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material; and

B. The reactor shall be constructed and located on the campus of Georgia Institute of Technology in Atlanta, Georgia, as described in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Georgia Institute of Technology has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Georgia Institute of Technology pursuant to section 104c of the Act, which license shall expire twenty years after the date of this construction permit.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Georgia Institute of Technology for use in connection with the operation of the reactor, eleven kilograms of uranium-235 contained in fully enriched uranium. An estimated schedule of special nuclear material transfers to Georgia Institute of Technology and returns to the Commission are contained in Appendix "A" attached hereto.

Shipments by the Commission to the Institute in accordance with column (2) in Appendix "A" will be conditioned upon the Institute's return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix "A".

Date of issuance:

For the Atomic Energy Commission.

#### APPENDIX A

*Estimated Schedule of Transfers of Special Nuclear Material From the Commission to GIT and to the Commission From GIT*

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to GIT, kgs. U-235	(3) Returns by GIT to AEC, kgs. U-235 (as spent fuel)	(4) Net yearly distribution including cumulative losses kgs. U-235	(5) Cumulative distribution including cumulative losses kgs. U-235
1962.....	2.98	-----	2.98	2.98
1963.....	-----	-----	-----	2.98
1964.....	2.41	0.98	1.43	4.41
1965.....	1.99	1.82	0.17	4.58
1966.....	1.99	1.59	0.40	4.98
1967.....	1.99	1.59	0.40	5.38
1968.....	1.99	1.59	0.40	5.78
1969.....	1.99	1.59	0.40	6.18
1970.....	1.99	1.59	0.40	6.58
1971.....	1.99	1.59	0.40	6.98
1972.....	1.99	1.59	0.40	7.38
1973.....	1.99	1.59	0.40	7.78
1974.....	1.99	1.59	0.40	8.18
1975.....	1.99	1.59	0.40	8.58
1976.....	1.99	1.59	0.40	8.98
1977.....	1.99	1.59	0.40	9.38
1978.....	1.99	1.59	0.40	9.78
1979.....	1.99	1.59	0.40	10.18
1980.....	1.99	1.59	0.40	10.58
1981.....	1.99	1.59	0.40	10.98
Inventory to be returned.....	-----	3.51	(3.51)	7.47
	39.22	31.75	7.47	-----

[F.R. Doc. 60-4768; Filed, May 26, 1960; 8:45 a.m.]

[Docket No. 50-167]

### LOCKHEED AIRCRAFT CORP.

#### Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue a construction permit, substantially as set forth below, authorizing the Lockheed Aircraft Corporation to construct a low-power pool-type nuclear reactor at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the Lockheed Aircraft Corporation and (2) a hazards analysis prepared by the Hazards Eval-

uation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of May 1960.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director, Division of  
Licensing and Regulation.

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated April 29, 1960 (hereinafter referred to as "the application") the Lockheed Aircraft Corporation requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia, of a low power pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. The Lockheed Aircraft Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. The Lockheed Aircraft Corporation is technically qualified to design and construct the reactor;

E. The Lockheed Aircraft Corporation has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to The Lockheed Aircraft Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Lockheed Aircraft Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date for the reactor is June 8, 1960. The latest completion date for the reactor is July 8, 1960. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material; and

B. The reactor shall be constructed and located at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia, as described in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless The Lockheed Aircraft Corporation has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The Lockheed Aircraft Corporation pursu-

ant to section 104c of the Act, which license shall expire on September 1, 1960.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to the Lockheed Aircraft Corporation for use in connection with the operation of the reactor, 2,905 kilograms of uranium-235 contained in fully enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-4769; Filed, May 26, 1960; 8:45 a.m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### STATEMENT OF ORGANIZATION

##### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, are prescribed:

1. District 8—Detroit, Mich., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices of section 1.51 Field Service* is amended in the following respects:

a. The list of Class A ports of entry is amended by deleting "Gregory's Marina, Detroit, Mich. (May 15-Oct. 15)" and by adding in alphabetical sequence "Kean's Detroit Yacht Harbor, Detroit, Mich. (May 15-Oct. 15)" and "Port Dolomite, Mich."

b. The list of Class C ports of entry is amended by adding in alphabetical sequence "Cheboygan, Mich."

Subparagraph (4) of paragraph (c) *Suboffices of section 1.51 Field Service* is amended to read as follows:

(4) *Immigration offices in foreign countries:*

Athens, Greece.  
Hamilton, Bermuda.  
Havana, Cuba.  
Hong Kong, B.C.C.  
Monterrey, Mexico.  
Montreal, Quebec, Canada.  
Naples, Italy.  
Nassau, Bahamas.  
Ottawa, Canada.  
Palermo, Italy.  
Rome, Italy.  
Tijuana, Mexico.  
Tokyo, Japan.  
Toronto, Ontario, Canada.  
Vancouver, British Columbia, Canada.  
Victoria, British Columbia, Canada.  
Winnipeg, Manitoba, Canada.

Dated: May 24, 1960.

J. M. SWING,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 60-4789; Filed, May 26, 1960; 8:47 a.m.]

## Office of Alien Property

ELISABETH VOELCKER

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mrs. Elisabeth Voelcker, Allgäu, Germany; \$5,647.61 in the Treasury of the United States. Claim No. 46036.  
Vesting Order No. 13315.

Executed at Washington, D.C., on May 23, 1960.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 60-4788; Filed, May 26, 1960; 8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 36257: *Sugar—North Atlantic ports to official territory.* Filed by Traffic Executive Association—Eastern Railroads, Agent (ER No. 2538), for interested rail carriers. Rates on sugar, beet or cane, in carloads, or tank-car loads, as described in the application, from North Atlantic ports and points grouped therewith, to points in official (including Illinois) territory.

Grounds for relief: Truck competition, port equalization and competition with Gulf ports.

Tariff: Traffic Executive Association—Eastern Railroads tariff I.C.C. C-139.

FSA No. 36258: *Iron or steel pipe—Southwest to WTL and IFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7803), for interested rail carriers. Rates on iron or steel pipe, in carloads, as described in the application, from points in southwestern territory, to points in western trunk line and Illinois territories.

Grounds for relief: Market competition.

Tariff: Supplement 49 to Southwestern Freight Bureau tariff I.C.C. 4330.

FSA No. 36259: *Acrylonitrile—Dowling, Tex., to Lugoff, S.C.* Filed by Southwestern Freight Bureau, Agent (No. B-7805), for interested rail carriers. Rates on acrylonitrile, in tank-car loads, from Dowling, Tex., to Lugoff, S.C.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 694 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36260: *Petroleum products—Southwest to western trunk line territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7798), for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, in tank-car loads, from points in southwestern territory, also Kansas, to points in western trunk line territory.

Grounds for relief: Truck competition.  
Tariff: Supplement 137 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 36261: *Fish scrap—Louisiana and Texas to Illinois territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7785), for interested rail carriers. Rates on fish scrap, dry, not ground or pulverized, or acid fish scrap, in carloads, from specified points in Louisiana and Texas, to points in Illinois, Missouri, Iowa, and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southwestern Freight Bureau tariff I.C.C. 4290.

FSA No. 36262: *Sugar—Savannah, Ga., to St. Louis, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A3954), for interested rail carriers. Rates on sugar, beet or cane, in carloads from Port Wentworth and Savannah, Ga., to St. Louis, Mo.

Grounds for relief: Restore rate relationship with New Orleans, La., and market competition.

Tariff: Supplement 125 to Southern Freight Association tariff I.C.C. 450 (Marque series).

FSA No. 36263: *Cinders between points in Southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3956), for interested rail carriers. Rates on cinders, coal, clay, shale or slate, in carloads, between points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 206 to Southern Freight Association tariff I.C.C. 1469 (Spaninger series).

FSA No. 36264: *Substituted service—PRR for Arkansas—Best Freight System, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 40), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between specified Illinois, Indiana, Kentucky, and Ohio points, on the one hand, and specified Indiana, Kentucky, New York, Ohio, and Pennsylvania points, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central States Motor Freight Bureau tariff MF-I.C.C. 953.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4783; Filed, May 26, 1960;  
8:46 a.m.]

[Notice 319]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62779. By order of May 20, 1960, the Transfer Board approved the transfer to Oilfield Truck Line, Inc., P.O. Box 606, Eunice, La., of Certificate in No. MC 92032, issued August 23, 1949 to Dave Sandlin and John D. Sandlin, a partnership, doing business as Oil Field

Truck Line, Eunice, La., acquired by transferor, Dave Sandlin, in MC-FC 60989, authorizing the transportation of: Oil field machinery, equipment, materials, and supplies, over irregular routes, between points in Louisiana, and canned oysters and shrimp, over irregular routes, from points in Louisiana to New Orleans, La.

No. MC-FC 63179. By order of May 23, 1960, the Transfer Board approved the transfer to Furniture Express, Inc., Philadelphia, Pa., of a portion of Certificate No. MC 19806, issued November 9, 1953, to Lester A. Crossman, doing business as Crossman's Storage, Philadelphia, Pa., authorizing the transportation of: New furniture, between Philadelphia, Pa., on the one hand, and points in Maine, New Hampshire, Illinois, Indiana, North Carolina, South Carolina, Georgia, and Florida, and uncrated new furniture and mattresses in cartons, from Philadelphia, Pa., to points in Virginia, West Virginia, and Ohio. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63231. By order of May 23, 1960, the Transfer Board approved the transfer to M. & M. Trucking Co., a corporation, Bessemer, Pa., of the operating rights set forth in Permit No. MC 17379, Corrected Permit No. MC 17379 Sub 4, and Permit No. MC 17379 Sub 6, issued by the Commission September 17, 1943, August 11, 1949, and April 6, 1959, to Dorothy C. Madrid, doing business as M & M Trucking Company, Bessemer, Pa., authorizing the transportation, over regular routes, of

building materials and building contractors' machinery, supplies, and equipment, between Bessemer, Pa., and Cleveland, Ohio, and between Bessemer, Pa., and Dayton, Ohio, and over irregular routes, of building materials and building contractors' machinery, and equipment, between Bessemer, Pa., on the one hand, and, on the other, points in Lucas, Ottawa, Sandusky, Wood, Huron, Franklin, and Clark Counties, Ohio, and cement, in bulk, in covered, mechanical self-unloading equipment, and in bags, from Bessemer, Pa., to points in thirty-two specified counties in Ohio, and cement, in bulk, in mechanical self-unloading equipment and in bags, from Bessemer, Pa., to points in Monroe County, Ohio. W. Albert Wilde, 300 Union National Bank Building, Youngstown 3, Ohio, for applicants.

No. MC-FC 63246. By order of May 23, 1960, the Transfer Board approved the transfer to Curatola Bros. Trucking, Inc., Ozone Park, N.Y., of the operating rights set forth in Permit No. MC 108046, issued by the Commission November 14, 1955, to Adolph Curatola, Ozone Park, N.Y., authorizing the transportation of new uncrated furniture, over irregular routes, between Philadelphia, Pa., on the one hand, and on the other, Jersey City, Newark, and Camden, N.J., and New York, N.Y. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4784; Filed, May 26, 1960;  
8:46 a.m.]





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